

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNA POPLAR,

Plaintiff,
vs.

Case No. 2:21-cv-12568-VAR-JJCG
Hon. Victoria A. Roberts

GENESEE COUNTY ROAD COMMISSION
and FRED F. PEIVANDI, in his
individual capacity,

Defendants.

DEPOSITION OF CLOYCE DICKERSON, taken on
Thursday, July 21, 2022, at 211 West Oakley Street, Flint,
Michigan, noticed for 3:00 P.M.

APPEARANCES:

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12 INDEX TO EXAMINATION

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WITNESS: CLOYCE DICKERSON

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Examination by Ms. Lee
Examination by Mr. Cascini

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1	Flint, Michigan	1	MS. LEE: Or if you need to take a
2	Thursday, July 21, 2022	2	break, I don't mind us taking a break at any time.
3	3:12 p.m.	3	Just I would like you to answer the question, if
4	R E C O R D	4	there's a question on the floor. Let's see. Okay.
5	COURT REPORTER: Do you solemnly swear	5	EXAMINATION
6	or affirm to tell the whole truth in this matter so	6	BY MS. LEE:
7	help you God?	7	Q. So how long -- well, can you spell your name for the
8	THE WITNESS: I do.	8	record? We've been talking.
9	MS. LEE: Good afternoon, Mr. Dickerson.	9	A. Cloyce Dickerson. Do you want me to spell it?
10	My name is Attorney Charis Lee, and this is my	10	Q. Yes, please.
11	co-counsel, Julie Gafkay. We represent Donna Poplar	11	A. C-l-o-y-c-e, Cloyce; Dickerson, D-i-c-k-e-r-s-o-n.
12	in this case, and we will be asking -- or I'll be	12	Q. And can you tell me what your current capacity is at
13	asking you some questions today. Do you understand	13	the Road Commission?
14	that you are under oath --	14	A. Commissioner.
15	THE WITNESS: Yes.	15	Q. Okay. And how long have you been a commissioner?
16	MS. LEE: -- and you are here because	16	A. About almost 12 years now.
17	you are under subpoena?	17	Q. And how do you -- is that, like, two terms? Is that
18	THE WITNESS: Yes.	18	two terms? How long is your term?
19	MS. LEE: Okay. So this is the court	19	A. No; each term is six years.
20	reporter; she'll be taking down everything that you	20	Q. So that would be two terms.
21	say. Have you ever had a deposition before?	21	A. Yeah.
22	THE WITNESS: Yes.	22	Q. And you've been a commissioner at the Road Commission
23	MS. LEE: Okay. You have. How many	23	for 12 years?
24	depositions have you had?	24	A. Um-hum.
25	THE WITNESS: Four.	25	Q. So you've been a commissioner -- how many managing
	Page 4		Page 6
1	MS. LEE: Four. In relation to?	1	directors have been here since you --
2	THE WITNESS: Well, I had three at the	2	A. Two --
3	Road Commission, one for Anthony Branch and one for	3	Q. And what are their names?
4	Mckinney Jackson, and -- well, actually two for	4	A. Fred Peivandi and John Daly.
5	Anthony Branch; and I had one at GM.	5	Q. And who hired Donna Poplar?
6	MS. LEE: When you were working there?	6	A. John Daly.
7	The one at GM, were you working there?	7	Q. Okay. And to your -- and John Daly, what is his race?
8	THE WITNESS: Um-hum, for safety.	8	What is John Daly's race? What is his race?
9	MS. LEE: And Anthony Branch and	9	A. He's white, Caucasian.
10	McKinney Jackson are former employees of the Road	10	Q. Okay. And at the time that Donna Poplar was hired,
11	Commission; correct?	11	did she -- do you know if she requested accommodations
12	THE WITNESS: Yes. Actually I had four	12	of John Daly?
13	for them. I had -- what's her name. She was a	13	A. I don't know if she did when she -- when she started,
14	purchasing -- Joyce, Joyce McLane.	14	but she did -- I wasn't aware that she did 'cause, I
15	MS. LEE: And she was also a former	15	mean, it happened -- her hire happened probably faster
16	employee of the Road Commission?	16	than I thought it would; but, yes, she did request
17	THE WITNESS: Right.	17	that.
18	MS. LEE: So you're pretty familiar	18	Q. And when did you become aware that Ms. Poplar needed
19	with how this goes, then; right?	19	accommodations?
20	THE WITNESS: Yeah.	20	A. Well, probably within the first -- the first two or
21	MS. LEE: So we do -- just so you	21	three months.
22	remember, we need audible answers, yes or no. If you	22	THE WITNESS: (Addressing Mr. Cascini)
23	don't understand a question, then let me know. I can	23	Can I expand on that?
24	rephrase my question if I believe it's necessary.	24	MR. CASCINI: Answer if you know.
25	THE WITNESS: Okay.	25	THE WITNESS: I really didn't -- I

	Page 7	<p>1 really wasn't -- I wasn't for her getting that person 2 when she asked for it.</p> <p>3 Q. (BY MS. LEE) So you became aware within a few 4 months --</p> <p>5 A. Right.</p> <p>6 Q. -- to your knowledge --</p> <p>7 A. RIGHT.</p> <p>8 Q. -- of Ms. Poplar being hired that she needed 9 accommodations?</p> <p>10 A. Right.</p> <p>11 Q. And Ms. Poplar requested accommodations, to your 12 recollection?</p> <p>13 A. Um-hum.</p> <p>14 Q. And you mentioned that you were not aware or you were 15 not in support of those accommodations?</p> <p>16 A. Right.</p> <p>17 Q. Why is that?</p> <p>18 A. Because I guess I didn't fully understand what her -- 19 what she was doing in the job and all the 20 responsibilities that she has, and that made me change 21 my mind.</p> <p>22 Q. Who else was not in support of --</p> <p>23 A. It was just me.</p> <p>24 Q. -- Donna's accommodation?</p> <p>25 A. Just me. At first, it was only me that was not in</p>
	Page 8	<p>1 support; and then after I decided that she needed that 2 person, we were all kind of -- was in agreement that 3 she needed a person.</p> <p>4 Q. So when you were originally not in support, this was 5 under John Daly?</p> <p>6 A. Um-hum, yep.</p> <p>7 Q. And then there was a transition of Mr. John Daly 8 leaving and Mr. Peivandi coming on board as managing 9 director?</p> <p>10 A. Yes.</p> <p>11 Q. At that time, did Mr. Peivandi, as managing director, 12 support the accommodations that she --</p> <p>13 A. If I remember correctly, he didn't really want to 14 support it; but once the Board voted, the Board almost 15 had to force him to do it, I guess.</p> <p>16 Q. So originally, you did not support it, but you came to 17 understand that she --</p> <p>18 A. She needed that person, yes.</p> <p>19 Q. And you changed your mind; correct?</p> <p>20 A. What was that?</p> <p>21 Q. You changed your mind regarding that?</p> <p>22 A. Um-hum.</p> <p>23 Q. Okay. But it's your testimony today that the managing 24 director was forced to give Ms. Poplar accommodations?</p> <p>25 A. Yeah, 'cause he didn't really want to do it, and we --</p>

	Page 11		Page 13
1 Q. Do you know what year Ms. Poplar was hired?		1 Q. How would you characterize her work? Would you say	
2 A. Ms. Poplar, she didn't retire.		2 that she --	
3 Q. No, hired, hired. Sorry.		3 A. Well, she know her job. She -- she -- she -- so far	
4 A. I think 2018, I think.		4 as -- Ms. Poplar is a person, if you got legal things	
5 Q. So I'm going to show you a document here, and this	5 going on in this -- in this Road Commission, she		
6 document has previously been marked as Exhibit 5 --	6 should be involved in it, because she -- she really		
7 A. Okay.	7 knows her job.		
8 Q. -- and it's the Human Resources Administrative		8 Q. How would you characterize your relationship with Mr.	
9 Assistant Need Analysis, and it's dated February 8,		9 Peivandi?	
10 2017. So it would have been prior?		10 A. In a word, not good -- two words, not good.	
11 A. You know, I don't really --		11 Q. And why would you -- why do you make those comments	
12 Q. Okay, that's fine.		12 about your relationship with him?	
13 A. -- remember the date.		13 A. I think Mr. Peivandi, if you -- if you had a	
14 Q. That's fine. You can just say you don't recall --		14 disagreement with things that he wants to do, he got a	
15 A. Okay.		15 problem with that. I think he -- I think personally,	
16 Q. -- if you don't recall.		16 I think he's a vindictive person.	
17 A. Okay.		17 Q. So you believe that he has treated employees vindic --	
18 Q. So after Ms. Poplar is -- she receives the assistant		18 A. Can I expand on that?	
19 -- you testified earlier that she doesn't have the		19 Q. Yeah, go ahead.	
20 assistant now.		20 A. I say that because I think in 2018 or 2017, I can't	
21 A. Um-hum.		21 give you a date, but Mr. Peivandi went to the -- to	
22 Q. Do you know how long it's been since she hasn't had an		22 the county commissioners to try to get me removed.	
23 assistant?		23 Q. Why do you believe he did that?	
24 A. If you can tell me when Cherry Grant retired, that's		24 A. He wanted me gone 'cause he -- if he -- it's all about	
25 when she didn't -- she hasn't had an assistant, 'cause		25 doing what he wants to do, and having three folks; so	
	Page 12		Page 14
1 that's Cherry Grant's job. The benefit job is a		1 when they called me to the County Board, I took Manna	
2 full-time job. So she probably is able to do some		2 Lass (phonetic) with me.	
3 work for -- for Ms. Poplar, but not -- not what she		3 Q. You stated -- your prior testimony, you stated earlier	
4 has. She hasn't had that position filled in a while.		4 that you believe Mr. Peivandi to be vindictive. Do	
5 Q. Has Ms. Poplar complained, to your knowledge, that she		5 you believe that he's acted that way with employees	
6 hasn't had the assistant?		6 when they have filed complaints against him?	
7 A. I don't know if she complained to Fred or not, but she		7 A. Yeah, I think so.	
8 said -- she said things to me about it because I --		8 Q. And would that be employees outside of -- can you	
9 Ms. Poplar's health is not real good, and she really		9 think of any examples outside of Ms. Poplar where he's	
10 do need the help. Her eyesight's bad. She really do		10 acted in a vindictive way or even if you believe he's	
11 need the help.		11 acted vindictive with Ms. Poplar? I mean, can you	
12 Q. I want to switch to talking about the relationship		12 give me an example?	
13 that Ms. Poplar, to your knowledge, has with the Board		13 A. Yeah, I think he's been vindictive with Ms. Poplar. I	
14 and also Mr. Peivandi. So how would you characterize		14 think --	
15 the relationship with the Board and Ms. Poplar?		15 THE WITNESS: (Addressing Mr. Cascini)	
16 A. Well, the Board is -- three people on the Board are		16 Can we go into this?	
17 fairly new, they've only been on a year; so I don't		17 MR. CASCINI: You can answer the	
18 know -- I don't know the relationship that she have		18 testimony -- answer the question fully and if you	
19 with the three Board members. I can surmise, but I		19 know.	
20 don't know.		20 THE WITNESS: I believe that he's	
21 Q. Okay. And how about your relationship with Ms.		21 vindictive with Ms. Poplar. I -- you know, I guess	
22 Poplar, do you --		22 there's so much happened over that last two years that	
23 A. It's good.		23 I talked to Fred Peivandi about, like -- like,	
24 Q. -- have a good relationship with her?		24 outsourcing jobs for -- for the department ran by Kim	
25 A. Um-hum.		25 Day.	

<p>1 Q. (BY MS. LEE) Did Ms. Day file a complaint against -- 2 A. Yes, she did. 3 Q. -- Mr. Peivandi? 4 A. Um-hum. 5 Q. Did Ms. Day file a complaint against Ms. Peivandi? 6 A. Yes. 7 Q. And what is Ms. Day's race? 8 A. What is that? 9 Q. What is Ms. Days race? 10 A. What is her rate? 11 Q. Race. 12 A. Oh, she's black. And it seemed like everybody that 13 Mr. Peivandi have a problem with look like me, they're 14 black. I'm not the only one that said that before. 15 Mr. Tom Derderian, who's a lawyer, he said that to me, 16 too.</p> <p>17 MR. CASCINI: I'm going to caution you, 18 Mr. Dickerson, please don't disclose anything that 19 would be legal advice between you and Mr. Derderian; 20 although, if it falls outside of the scope of that, 21 you're free to testify about it.</p> <p>22 THE WITNESS: Okay.</p> <p>23 MR. CASCINI: But anything that is 24 legal advise --</p> <p>25 THE WITNESS: That's why I'm asking you</p>	Page 15	<p>1 A. Well, I received the complaint, and immediately I 2 called Tom Derderian, because Tom Derderian is the one 3 that -- he was the attorney at the time, so --</p> <p>4 MR. CASCINI: And just one more time, 5 Mr. Dickerson, any conversations you had with Mr. 6 Derderian concerning this complaint are covered by the 7 attorney-client privilege, and I would instruct you 8 not to answer questions about.</p> <p>9 THE WITNESS: Okay.</p> <p>10 Q. (BY MS. LEE) So did Donna follow the complaint 11 process?</p> <p>12 A. Yes.</p> <p>13 Q. And when you received her complaint as the Board 14 Chair, you followed your process; correct?</p> <p>15 A. Right.</p> <p>16 Q. Was the complaint investigated?</p> <p>17 A. No, I don't think it was.</p> <p>18 Q. Well, did the Board -- in January of 2021, did the 19 Board hire an investigator to look into Donna's 20 concern?</p> <p>21 A. Yes.</p> <p>22 Q. So do you think -- so there was an investigator 23 hired --</p> <p>24 A. Um-hum.</p> <p>25 Q. -- and did that investigator give you a response</p>	Page 17
<p>1 if I can answer these questions.</p> <p>2 MR. CASCINI: Certainly, and that's 3 understandable that you may not know that.</p> <p>4 THE WITNESS: Okay.</p> <p>5 Q. (BY MS. LEE) You were giving me examples regarding 6 treatment you thought was unfair or possibly 7 discriminatory.</p> <p>8 A. Yeah.</p> <p>9 Q. Ms. Poplar filed a complaint, which I will show you, 10 it's exhibit -- marked as Exhibit 10. Do you remember 11 this complaint given to the Board? It's dated January 12 28, 2021.</p> <p>13 A. Yes.</p> <p>14 Q. And in that complaint, Ms. Poplar alleges that this 15 was a formal complaint of harassment, intimidation, 16 retaliation, differential treatment and discrimination 17 that she had been subjected to under Mr. Peivandi's 18 leadership.</p> <p>19 A. Um-hum.</p> <p>20 Q. After -- well, at the time of this complaint in 2021, 21 you were on the Board. What was your position on the 22 Board?</p> <p>23 A. 2021? I was the chairperson.</p> <p>24 Q. Okay. So this complaint -- how would the Board have 25 received the complaint?</p>	Page 16	<p>1 regarding the concerns?</p> <p>2 A. He gave us a report, yes.</p> <p>3 Q. Okay. And when you received that report, did the -- 4 did the Board give Ms. Poplar a response regarding her 5 complaint?</p> <p>6 A. I'm going to say no to that.</p> <p>7 Q. Okay. So why do you say no?</p> <p>8 A. Because I got a copy of the results of that complaint 9 when I was at a meeting with Fred and some other -- 10 other commissioners.</p> <p>11 THE WITNESS: (Addressing Mr. Cascini) 12 That's okay if I answer that; right?</p> <p>13 MR. CASCINI: You can certainly answer 14 as long as it's truthful, yes.</p> <p>15 THE WITNESS: I was in a meeting with 16 -- we was in a meeting to discuss the outsourcing, 17 that I thought it was racially motivated.</p> <p>18 Q. (BY MS. LEE) You thought what was racially motivated?</p> <p>19 A. The outsourcing of jobs for when -- actually it was 20 from one department to the outsourcing job that -- 21 that people that was inspected by the outsourcing was 22 mostly Afro-American people.</p> <p>23 Q. So is your testimony today that you believe that Mr. 24 Peivandi has treated African-Americans differently?</p> <p>25 A. Yeah, in my estimation, yes.</p>	Page 18

	<p style="text-align: right;">Page 19</p> <p>1 Q. And do you believe that Mr. Peivandi, based on your 2 observation, has discriminated against Ms. Poplar? 3 A. Yes. 4 Q. Based on her race, has the discrimination been based 5 on her race or her disability? 6 A. Well, on her race, I think. 7 Q. On her race? 8 A. Um-hum. 9 Q. Can you give me examples, examples of times that Mr. 10 Peivandi has discriminated against Ms. Poplar? 11 A. Mr. Peivandi gave her time off without -- without 12 going through the proper steps to give somebody time 13 off and put somebody on leave; and -- 14 Q. So this was -- what you're referring to is when she 15 was -- Ms. Poplar was suspended for two weeks? 16 A. Um-hum. 17 Q. What's the proper process? 18 A. To me, I think that you should -- you should reprimand 19 people be -- you should have a progression of 20 discipline before you give people time off like that, 21 and -- 22 Q. Do you know if Ms. Poplar had ever been disciplined 23 prior to that? 24 A. No. When I went in, I -- 25 Q. No, she had not been disciplined?</p>	
	<p style="text-align: right;">Page 21</p> <p>1 think it was investigated. Are you saying you don't 2 believe it was properly investigated or are you saying 3 that you didn't believe that an investigation happened? 4 Can you clarify that? 5 A. It happened, but I don't think he invest -- I don't 6 think the investigator interviewed any of the Afro- 7 American people except for me. I don't think he 8 interviewed but a couple people, I don't want to call 9 the names, but he didn't interview anybody but me on 10 the Afro-American side, and we was a part of -- I know 11 our name was submitted, but they didn't interview 12 them. 13 Q. Okay. So that is why you believe that the 14 investigation wasn't fair because -- 15 A. Yeah. 16 Q. -- there were likely more people to be interviewed to 17 make -- 18 A. Correct. 19 Q. -- a determination? 20 A. Yep. And then when -- when I talked to the 21 attorney -- 22 THE WITNESS: (Addressing Mr. Cascini) 23 Am I able to say this? 24 MR. CASCINI: Please don't disclose any 25 communication between you and counsel --</p>	
	<p style="text-align: right;">Page 20</p> <p>1 A. She hadn't, no. And then when she did come back, 2 he -- I don't think any of the department head had to 3 have restriction on who they could talk to. He made 4 specifically -- he didn't want her talking to me about 5 anything unless I -- there's no other department head 6 that had restrictions on talking to their 7 commissioners, but she did. 8 Q. So you're referring to -- are you referring to the 9 directives that were given to -- 10 A. Right, right. 11 Q. -- Ms. Poplar on July 1st? 12 A. I don't remember when he gave them to her, but -- 13 Q. But I'm showing -- 14 A. Yes, that is. 15 Q. -- you now what's been marked as Exhibit 12, and this 16 is directives given to Donna Poplar from Mr. Peivandi 17 after she filed -- after the investigation that was 18 done when Ms. Poplar filed a complaint. 19 A. Um-hum. 20 Q. Are these the directives that you're referring to? 21 A. Um-hum. 22 Q. Can you speak audibly? Please say "yes". 23 A. Yes, I'm sorry. 24 Q. Thank you. When you were speaking about the 25 investigation earlier, you were saying that you don't</p>	<p style="text-align: right;">Page 22</p> <p>1 THE WITNESS: Okay. 2 MR. CASCINI: -- on the basis of 3 privilege. That's why I'm here. You're not doing 4 anything wrong. 5 THE WITNESS: Well, that's one of the 6 reasons I think that, because when I talked to the 7 attorney, what he said to me. I was very upset with 8 what he said, the comments that he made. Then I find 9 out that I -- at least two people who wasn't Afro- 10 American people wasn't interviewed. 11 Q. (BY MS. LEE) Have you ever been privy to discussion 12 regarding terminating, firing Ms. Poplar? Or has Mr. 13 Peivandi ever told you that he wanted to terminate Ms. 14 Poplar? 15 A. No, I don't think he's told me that, no. 16 Q. So after Ms. Poplar is suspended for two weeks, and 17 your earlier testimony, you said you don't believe 18 that the progressive discipline was followed, did you 19 speak with Mr. Peivandi, the managing director, 20 regarding Ms. Poplar being suspended for two weeks? 21 A. I did. 22 Q. Did you have prior knowledge that she was going to be 23 suspended? 24 A. I didn't. 25 Q. Would you normally have had prior knowledge if someone</p>

<p>1 was going to be suspended at the director level?</p> <p>2 A. I think being the Chair, I should've been.</p> <p>3 Q. What did you say to Mr. Peivandi when you were notified</p> <p>4 that Ms. Poplar was suspended?</p> <p>5 A. I gave him a direct order to bring her back to work.</p> <p>6 Q. And what did Mr. Peivandi say to you?</p> <p>7 A. He said he wasn't.</p> <p>8 Q. Did he give you a reason as to why he was not going to</p> <p>9 bring her back to work?</p> <p>10 A. I can't remember what reason he gave me, but he said</p> <p>11 he wasn't going to do it.</p> <p>12 Q. Did you speak with any other Board members regarding</p> <p>13 Mr. Peivandi insubordination to you?</p> <p>14 A. Yes.</p> <p>15 Q. And how did the Board react to that?</p> <p>16 A. Well, I spoke to Ms. --</p> <p>17 THE WITNESS: (Addressing Mr. Cascini)</p> <p>18 Am I loud to say her name?</p> <p>19 MR. CASCINI: You certainly are allowed</p> <p>20 to give any truthful testimony. The only thing I'm</p> <p>21 ever going to give you any instruction about not to</p> <p>22 say are communications with legal counsel, or</p> <p>23 communications in a closed session, too, obviously --</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. CASCINI: -- under the --</p>	Page 23	<p>1 A. The mask mandate?</p> <p>2 Q. Correct. Would you agree that Covid-19 is a matter of</p> <p>3 public concern?</p> <p>4 A. Yes.</p> <p>5 Q. Would you agree that if employees are concerned about</p> <p>6 matters that they should bring them up to the managing</p> <p>7 director and to the Board?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know what happened after Ms. Poplar was</p> <p>10 suspended for two weeks? Did she return to work? Did</p> <p>11 she return to work after her suspension?</p> <p>12 A. She returned to work. We made a decision, like, on --</p> <p>13 I don't know what date it was, but we made a decision,</p> <p>14 and she was to come back the next day.</p> <p>15 Q. After the -- not after the suspension; right? That</p> <p>16 was after her administrative leave; correct?</p> <p>17 A. Um-hum.</p> <p>18 Q. Okay. So Ms. Poplar was suspended for two weeks --</p> <p>19 A. Um-hum.</p> <p>20 Q. -- and I know it's hard to remember dates.</p> <p>21 A. Yeah.</p> <p>22 Q. So after Ms. Poplar was placed on suspension, she was</p> <p>23 placed on administrative leave; correct?</p> <p>24 A. Um-hum.</p> <p>25 Q. And after she was placed on administrative leave --</p>	Page 25
<p>1 THE WITNESS: Okay.</p> <p>2 MR. CASCINI: Open Meetings Act.</p> <p>3 THE WITNESS: Yeah, I talked about it</p> <p>4 with John Mandelaris, and he was in agreement with me,</p> <p>5 that we should bring her back to work. We were both</p> <p>6 in agreement, but we only had three votes, so -- only</p> <p>7 two votes, and it takes three votes to do anything, so</p> <p>8 nothing was going to happen.</p> <p>9 Q. (BY MS. LEE) Because you knew that -- well, so you're</p> <p>10 saying that Fred would've had the majority vote on the</p> <p>11 Board?</p> <p>12 A. Yeah. I think -- I think that's the reason he did it</p> <p>13 because he had -- he had the backing of three other</p> <p>14 votes to do whatever he wanted to do.</p> <p>15 Q. So at the time -- were you aware that -- have you ever</p> <p>16 seen the Disciplinary Action Notice that Mr. Peivandi</p> <p>17 gave Ms. Poplar?</p> <p>18 A. I don't remember. I probably have, but I don't</p> <p>19 remember.</p> <p>20 Q. Okay. So I'm showing you what's marked as Exhibit 16,</p> <p>21 and that is the Disciplinary Action Notice given to</p> <p>22 Ms. Poplar from Mr. Peivandi regarding her two-week</p> <p>23 suspension that she was given.</p> <p>24 In that particular document, it</p> <p>25 discusses Covid-19. If you'll look at --</p>	Page 24	<p>1 well, do you know why she was placed on administrative</p> <p>2 leave?</p> <p>3 A. (No response).</p> <p>4 Q. Did Ms. Poplar file a complaint prior to -- well,</p> <p>5 after her suspension?</p> <p>6 A. Yes.</p> <p>7 MR. CASCINI: I'm going object on the</p> <p>8 basis of a compound question.</p> <p>9 MS. LEE: Okay. Let me rephrase.</p> <p>10 Q. (BY MS. LEE) After Ms. Poplar was suspended, did she</p> <p>11 file a complaint?</p> <p>12 THE WITNESS: (Addressing Mr. Cascini)</p> <p>13 Do I answer that?</p> <p>14 MR. CASCINI: Answer if you know, sir.</p> <p>15 THE WITNESS: I want to say she did;</p> <p>16 I'm not sure. I'm not completely sure when she filed</p> <p>17 that complaint.</p> <p>18 Q. (BY MS. LEE) Okay. So I'm showing you what's marked</p> <p>19 as Exhibit 17. This is a -- this is addressed to you</p> <p>20 as the Chair on August 26, 2021 --</p> <p>21 A. Um-hum.</p> <p>22 Q. -- and this is a complaint from Ms. Poplar; correct?</p> <p>23 A. Um-hum.</p> <p>24 Q. Okay. And did that refresh your memory?</p> <p>25 A. Yep.</p>	Page 26

<p>1 Q. Okay. Can you tell me what race Mr. Dellaposta is, do 2 you know?</p> <p>3 A. He's Caucasian.</p> <p>4 Q. Okay. Earlier you testified about saying that Ms. 5 Poplar has a medical condition or at least you were 6 referring to her disability, her vision. 7 When you said she needs help, you mean 8 that, like, currently?</p> <p>9 A. Yeah, she still needed help, yes. When you take away 10 a person's full-time person that helps her, she needs 11 help. I'm sure she --</p> <p>12 Q. But this full-time person you're referring to is the 13 HR administrative assistant; correct?</p> <p>14 A. Right.</p> <p>15 Q. That the Board -- and the Board put this 16 administrative assistant in place for accommodating 17 Donna's disability; correct?</p> <p>18 A. Yes.</p> <p>19 Q. And to your knowledge, you have no -- at least from 20 the Board, you have not -- the Board has not made a 21 decision to remove --</p> <p>22 A. No.</p> <p>23 Q. Okay. -- to remove the HR person?</p> <p>24 A. No.</p> <p>25 MS. LEE: All right. We've been</p>	Page 31	<p>1 I talk to a lot of people. I talk to a lot of 2 employees. I get a lot of phone calls from employees, 3 especially when they -- when they -- Fred outsourced 4 those jobs, I got a lot of complaints about why he was 5 doing it, you know.</p> <p>6 Q. So you essentially were responsible for oversight?</p> <p>7 A. Um-hum.</p> <p>8 MS. GAFKAY: Is that a "yes"?</p> <p>9 THE WITNESS: Yes, I'm sorry.</p> <p>10 Q. (BY MS. LEE) And you have responsibility for Fred as 11 an employee as a managing director; correct?</p> <p>12 A. Actually Fred is the Board's employee.</p> <p>13 Q. Yes.</p> <p>14 A. They can fire him or whatever, discipline him or 15 whatever. That comes from the Board.</p> <p>16 Q. So when you were Chair, did you -- you stated earlier 17 that you would -- it was your managing style to leave 18 employees alone unless they really needed your 19 assistance.</p> <p>20 A. Right.</p> <p>21 Q. So how often did you need to assist Fred when you were 22 in communication with him? How often did you talk to 23 him?</p> <p>24 A. Fred, before he became manager, I used to talk to him. 25 We used to go to lunch at least once a month, go to</p>	Page 33
<p>1 talking for almost an hour. So I'm going to -- we're 2 going to take a quick five-minute break, and we'll be 3 back.</p> <p>4 (Recess taken.)</p> <p>5 MS. LEE: We can go back on the record 6 now.</p> <p>7 Q. (BY MS. LEE) Thank you for the time. I have some 8 more questions for you, and I'll try to make it quick; 9 okay?</p> <p>10 A. Okay.</p> <p>11 Q. Earlier you testified that you were the Chair for two 12 years?</p> <p>13 A. Right.</p> <p>14 Q. Can you tell me about your responsibilities as Chair, 15 such as, you were responsible for the complaint 16 procedure --</p> <p>17 A. Right.</p> <p>18 Q. -- or part of the -- receiving complaints, things like 19 that?</p> <p>20 A. You know, I don't like to get into the actual running 21 of the Road Commission. I mean, I want -- we have a 22 lot of experienced people here. A lot of people can 23 do their jobs, they just need to be left alone to do 24 it; and when I see that that's not happening, then I 25 kind of speak up about it. But I just kind of just --</p>	Page 32	<p>1 breakfast, and it was all about making more money with 2 Fred. You know, he wanted to make -- he thought he 3 should be making more. So we would talk, and that was 4 why he would meet with me, he want to make more money, 5 and I --</p> <p>6 Q. Was this while he was managing --</p> <p>7 A. Before he became managing director, he was Engineer 8 director at the time, yep.</p> <p>9 Q. And when you did talk with him when he was managing 10 director, it was more employer/employee? How often 11 did you see Fred or talk to Fred?</p> <p>12 A. Not a whole lot.</p> <p>13 Q. But you would see him at the Board meetings; right?</p> <p>14 A. Yeah.</p> <p>15 Q. And he would advise you of employee situations 16 or . . .</p> <p>17 MR. CASCINI: Objection; foundation.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. CASCINI: You can answer if you 20 know, certainly.</p> <p>21 THE WITNESS: Okay. Fred -- I think 22 Fred's biggest problem is, he don't know how to deal 23 with people, you know. Like, Fred, if it's not his 24 way, he's got a problem. He don't know how to work 25 out -- in his mind, it's just he's the boss and just</p>	Page 34

	Page 35		Page 37
1	that's the way it is. I think that's what -- that's	1	be -- turn out to be a workshop, and I didn't get --
2	why -- when Fred became managing director, he learned	2	it was out in Grand Blanc. Instead of having the
3	how to politic and so he can get three votes, and	3	meeting here, we had it in Mundy Township in Grand
4	that's all that mean anything to him, is having three	4	Blanc. So instead of -- and, you know, I was kind of
5	votes.	5	upset because if we was going to have a meeting or
6	Q. Would you say that you got to learn Fred -- or	6	workshop, we should have it here; and I was upset that
7	understand Fred during your time as the Board Chair?	7	we didn't have all the directors at that workshop. If
8	Is this where your -- this assertion is coming from?	8	you're going to have a workshop and it's going to
9	A. I think that even before I became Chair, when Fred and	9	affect those people, why don't you have all the
10	I would go out to eat lunch or breakfast, and he	10	directors in the workshop.
11	wanted -- he wanted to make more money, and I think	11	Q. So there were some directors there?
12	that the driving force behind that is that he think he	12	A. There were no directors there. And I asked for a copy
13	should be making more money than Anthony Branch.	13	of -- I asked for a copy of the response from all of
14	Now, I don't know if that's the truth,	14	those directors, I haven't gotten that yet, because I
15	that's my opinion, that's only my opinion, that he	15	wanted to know what -- how they felt about the
16	wanted to make more money than Anthony Branch because	16	reorganization.
17	of--	17	In my mind, when I took one look at
18	Q. What is Anthony Branch's race?	18	that, I have never been associated with a -- with a --
19	A. He's Afro-American.	19	any kind of group that we had -- we had an agenda --
20	Q. Okay.	20	if we had an agenda, I had that agenda before that
21	A. And I think that's one of the reasons.	21	meeting. I didn't get an agenda when I got to the
22	Q. Okay.	22	meeting. That's the first time that ever happened to
23	A. From what -- you know, I always say to Fred, I said --	23	me.
24	and I've said it more than once, I said, "Fred, I	24	So when I looked at the reorganization
25	don't really know if you're a racist person, but you	25	chart, I could see the only people that was -- that
	Page 36		Page 38
1	do racist things."	1	this chart is going to affect was mostly Afro-American
2	Q. Okay. So how did Mr. Peivandi respond when you said	2	people.
3	that to him?	3	Q. Who were those African-American people?
4	A. Well, I think I said that to him in a public meeting,	4	A. Human Resource and --
5	a public setting. I don't know if he said anything.	5	Q. So the Human Resources director was Donna Poplar and
6	I don't think he responded at all. But I've said that	6	who else?
7	when -- when we had a meeting --	7	A. Anthony Branch, who was the Maintenance person.
8	THE WITNESS: (Addressing Mr. Cascini)	8	Q. And this is -- this reorganization was going to
9	Am I allowed to go through that, a meeting -- a	9	negatively affect them?
10	reorganization meeting?	10	A. In my opinion; and I'll tell you why.
11	MR. CASCINI: You can testify	11	Q. Okay, why, please?
12	truthfully to the questions that are presented.	12	A. Randy kept talking about when Anthony Branch was going
13	THE WITNESS: Okay. Can you ask the	13	to retire; right. He kept, you know, like, they going
14	question? I'm sorry.	14	over why they was doing this reorganization; and most
15	Q. (BY MS. LEE) You said that you don't know whether	15	of it was going to take place when Anthony Branch had
16	Fred was a racist but he does what you consider to be	16	gone and Donna is gone and somebody else is replaced.
17	racist things?	17	Q. So Mr. Dellaposta was speaking at this --
18	A. Right.	18	A. He was speaking.
19	Q. So it seems like you were going to be giving examples	19	Q. He's a director; right?
20	of that.	20	A. Yes.
21	A. Yep.	21	Q. So he was present at the meeting?
22	Q. So what about the reorganization?	22	A. No, he's not a director. He's -- what do you call it?
23	A. The reorganization chart where they -- their	23	Q. Managing deputy director?
24	reorganization chart, I -- we had a meeting. We voted	24	A. Deputy director.
25	to have a special meeting; right? And it turn out to	25	Q. Deputy director?

	Page 39		Page 41
1 A. Yep. So I was upset that when I looked at that chart		1 Q. So do you have knowledge about Donna's August	
2 and I could see the two Afro-American people was the		2 suspension, right, where she was disciplined and put	
3 ones affected most, and when I say affected most, I		3 on unpaid suspension?	
4 mean, they was losing some of the responsibilities		4 A. Um-hum.	
5 that they have; like -- like, Donna would losing the		5 Q. "Yes"?	
6 health and safety, they report to her, health and		6 A. Yes, I'm sorry, yes.	
7 safety report to her.		7 Q. Okay. And who was the decision-maker as to that	
8 Anthony Branch, when he retire, they		8 decision for her being on unpaid suspension?	
9 going to have two superintendents that's going to be		9 A. I think it was Fred. I'm not sure. I don't know. I	
10 -- it's going to come out of Engineering. So that		10 think it was Fred. I'm not sure.	
11 eliminates -- Anthony Branch has got the largest		11 Q. As the managing director, he was?	
12 department here, and he's got the most Afro-American		12 A. Um-hum.	
13 working in this location. When he retire, that job's		13 Q. Was that after she made a formal race discrimination	
14 going to go away. There's never going to be another		14 complaint?	
15 Anthony Branch, a black person in that position,		15 A. I'm not sure if that -- I think it did, but I'm not	
16 because it's going to come from Engineer; that job is		16 sure. I don't want to say yes if it wasn't.	
17 going to be reporting to Engineer.		17 Q. So she gave -- made a complaint, as you saw in	
18 Q. So you believe -- do you believe these actions were		18 exhibit -- I can show you again.	
19 racially motivated?		19 All right. Here it is, Exhibit 10.	
20 A. I said that. That's the first thing I said, and they		20 This is dated January 28, 2021. That is Donna's -- or	
21 said I was out of order. It's the first time out of		21 Ms. Poplar's race discrimination complaint given to	
22 30-some years, I never been called out of order. I		22 you as the Board Chair --	
23 was out of order because I asked the question on		23 A. Um-hum.	
24 why -- why we have -- we was having a workshop and		24 Q. -- in January of 2021?	
25 didn't have the people that -- the directors in their		25 A. Um-hum.	
	Page 40		Page 42
1 workshop.		1 Q. So when Donna was placed on suspension in August of	
2 I asked for a copy of their response		2 2021, this was after she made a formal race	
3 'cause I asked for a copy of the union response and		3 discrimination complaint; correct?	
4 other directors' response. I never got it. I haven't		4 A. Yes.	
5 gotten a copy yet.		5 Q. Okay. And do you believe that Donna Poplar was	
6 Q. Did you already -- did the Board already review this		6 disciplined and put on unpaid suspension in	
7 reorg -- well, you said you didn't review it. Did the		7 retaliation for her race discrimination complaint?	
8 Board vote on this reorganization?		8 A. Yes, I believe that; yes.	
9 A. I don't know because I wasn't at the last meeting, and		9 Q. Before Donna was disciplined, do you recall she --	
10 I did talk to Mr. Mandelaris, but I didn't ask him		10 well, before she was disciplined, do you recall she	
11 about that. But I know that -- I do know that the		11 received directives from Mr. Peivandi?	
12 County Board did ask for the same thing I asked for.		12 A. Directives? Like, what kind of directives?	
13 They asked for a copy of the response from all the --		13 Q. The directives not to speak to the Board --	
14 all the union and -- and the directors. I don't know		14 A. Um-hum.	
15 if they got it. I didn't get a copy, so I don't know.		15 Q. -- or not to complain to the Board?	
16 Q. Why did the County Board ask for it?		16 A. Yes.	
17 A. Because we work for -- we, as Commissioners, work for		17 MR. CASCINI: Objection; assumes facts	
18 the County Board. We are appointed by the County		18 not in evidence.	
19 Board, and the pastors -- three of the pastors was at		19 Q. (BY MS. LEE) Okay. Was the Board involved in any	
20 that meeting, and they -- that's what they asked for,		20 directive given to Ms. Poplar?	
21 too.		21 A. No.	
22 Q. So I want to somewhat pivot here to just ask you some		22 Q. Are you aware of directives that have been given to	
23 more. You said some of the actions, you believe, have		23 Ms. Poplar by Mr. Peivandi?	
24 been racially motivated?		24 A. Yes, he did give directives.	
25 A. Right.		25 Q. Written directives?	

	<p style="text-align: right;">Page 43</p> <p>1 A. Right, right.</p> <p>2 Q. And those directives -- those directives were -- part 3 of those directives were that Donna was not to 4 complain to the Board about Mr. Peivandi unless she 5 talked to him first or -- strike that. 6 Part of those directives were, Donna 7 was not supposed to talk to the Board or complain to 8 the Board; correct?</p> <p>9 MR. CASCINI: Objection; assumes facts 10 not in evidence, misstates the document, the document 11 speaks for itself.</p> <p>12 Q. (BY MS. LEE) Okay. To your knowledge, was Fred the 13 decision-maker as to those directives?</p> <p>14 A. To my knowledge, yes.</p> <p>15 Q. And this is Exhibit 13, which is the directives given 16 to Donna Poplar from Mr. Peivandi.</p> <p>17 A. Yes.</p> <p>18 Q. In those directives, did Fred Peivandi deny Donna 19 Poplar the opportunity to go to the Board directly 20 with concerns related to him?</p> <p>21 MR. CASCINI: Objection; the document 22 speaks for itself.</p> <p>23 Q. (BY MS. LEE) You can still answer.</p> <p>24 A. Hum?</p> <p>25 Q. You can still answer.</p>	
	<p style="text-align: right;">Page 44</p> <p>1 MR. CASCINI: You may.</p> <p>2 THE WITNESS: I can answer?</p> <p>3 MR. CASCINI: Yes, answer if you know.</p> <p>4 THE WITNESS: Yes.</p> <p>5 Q. (BY MS. LEE) Did that concern you?</p> <p>6 A. Yes.</p> <p>7 Q. Do you believe that those directives were for the 8 purpose of stopping communication between you and 9 Donna or anyone else on the Board?</p> <p>10 A. I think if you're going to give directives to one of 11 the five directors, you should give it to all of them. 12 So yes.</p> <p>13 Q. Do you believe that it was inappropriate for Mr. 14 Peivandi to give her those directives?</p> <p>15 A. Yes.</p> <p>16 Q. Do you believe that those directives affected her 17 terms and conditions of employment -- of her 18 employment in a negative way?</p> <p>19 A. I think so.</p> <p>20 Q. Do you believe it was racially motivated?</p> <p>21 A. Well, she --</p> <p>22 Q. Do you believe that the directives that were given to 23 Donna Poplar were racially motivated?</p> <p>24 A. Yes.</p> <p>25 Q. Do you believe that they were made to be punitive as a</p>	<p style="text-align: right;">Page 45</p> <p>1 punishment? So she's filed a complaint, she's been 2 given directives.</p> <p>3 A. Yes.</p> <p>4 Q. Do you believe that the directives were in retaliation?</p> <p>5 A. Yes.</p> <p>6 MR. CASCINI: Objection; asked and 7 answered.</p> <p>8 THE WITNESS: Okay.</p> <p>9 Q. (BY MS. LEE) Do you believe that Mr. Peivandi is 10 racially biased towards Donna Poplar?</p> <p>11 MR. CASCINI: Objection; asked and 12 answered.</p> <p>13 Q. (BY MS. LEE) You can answer.</p> <p>14 A. Yes.</p> <p>15 Q. Do you believe Donna Poplar has been treated 16 differently because of her race in a negative way?</p> <p>17 A. Yes.</p> <p>18 Q. Have you witnessed that Fred Peivandi's -- have you 19 wit -- I'm sorry, let me rephrase. 20 Have you witnessed that Fred Peivandi's 21 discriminatory conduct towards Donna has caused Donna 22 harm?</p> <p>23 MR. CASCINI: Objection; assumes facts 24 not in evidence. You can answer if you know.</p> <p>25 THE WITNESS: In my opinion, yes.</p>
		<p style="text-align: right;">Page 46</p> <p>1 Q. (BY MS. LEE) So Donna describes the harm caused to 2 her as Fred having his knee on her neck, as if she 3 can't breathe. Would you agree?</p> <p>4 MR. CASCINI: Objection; vague.</p> <p>5 Q. (BY MS. LEE) From what witnessed -- you previously 6 testified that you witnessed that Mr. Peivandi's 7 retaliatory and discriminatory conduct towards Donna 8 has caused her harm. 9 And so earlier you testified that you 10 received complaints in your capacity as Board Chair. 11 And if you take a look at Exhibit 10, if you look at 12 the first two paragraphs --</p> <p>13 A. (Reviewing document).</p> <p>14 Q. And then if you look at the reference to Ms. Poplar, 15 she states here, the second to the last paragraph. 16 Will you read that out loud for the record?</p> <p>17 A. "Today, I feel like I am the George deployed in GCRC, 18 and Fred Peivandi has his knee on my neck, and I am 19 crying out, 'I Can Not Breathe.'"</p> <p>20 Q. Would you agree with that assertion or would you agree 21 that Mr. Peivandi has taken several actions to -- of 22 discriminatory and retaliatory behavior towards Ms. 23 Poplar?</p> <p>24 MR. CASCINI: Objection; asked and 25 answered.</p>

<p>1 THE WITNESS: He didn't have that 2 directive to any other directors; yes. 3 Q. (BY MS. LEE) Do you believe that Mr. Peivandi is a 4 truthful person? 5 A. No. 6 Q. And why do you say that? 7 A. I can give you one instance. When I went in to -- to 8 tell him -- to give him a direct order to bring Donna 9 back to work, I think that he had you (referring to 10 Mr. Cascini) to write a complaint -- 11 MR. CASCINI: I'm going to ask you 12 again not to disclose any information either that Fred 13 has communicated to you regarding communications 14 between GCRC's attorney or any communications you have 15 had with GCRC's attorney. 16 THE WITNESS: I can't answer that, 17 then. 18 Q. (BY MS. LEE) Okay. Well, I have you -- so earlier I 19 asked you, did you believe Mr. Peivandi is a truthful 20 person, and you said no. 21 A. I'm not the only one think he's not truthful. 22 Q. Who else thinks he's not truthful? 23 A. I can't . . . 24 Q. Well -- 25 A. I mean, I've set in Fred's office --</p>	Page 47	<p>1 A. No. 2 Q. And some of the examples you'd like to share with me 3 may be confidential. 4 So I'm going to go back and ask you a 5 little bit more about the previous question I asked 6 you when you stated that -- when I asked about the 7 conduct that made you believe that Fred's behavior has 8 been retaliatory and discriminatory. Earlier you 9 mentioned an example of the reorganization that is to 10 happen -- 11 A. Um-hum. 12 Q. -- that will take away -- 13 A. Responsibility from Afro-American employees. 14 Q. What other examples regarding Ms. Poplar can you 15 recall or Fred's behavior towards Ms. Poplar? 16 A. Well -- 17 MR. CASCINI: Objection; compound. 18 Q. (BY MS. LEE) You can answer. 19 A. Not having her address -- not letting her address the 20 Board -- 21 Q. Okay. 22 A. -- or not -- not being a part of, since she's Human 23 Resource, not being a part of planning an organization 24 chart. She didn't have anything to do with that, and 25 I thought that, in her position, being the Human</p>	Page 49
<p>1 THE WITNESS: (Addressing Mr. Cascini) 2 And that's attorney-client privilege. 3 Q. (BY MS. LEE) So you can't -- 4 THE WITNESS: -- is that -- 5 MR. CASCINI: Correct. Any privileged 6 statements have been made, I would ask that you not 7 answer them -- 8 THE WITNESS: Okay. 9 MR. CASCINI: -- or provide information 10 about those communications. 11 THE WITNESS: Okay. 12 Q. (BY MS. LEE) So in these conversations, were you 13 seeking legal advice from this particular attorney or 14 were you talking to them? If you're talking to them, 15 it's not -- unless you're seeking legal advice. 16 MR. CASCINI: Well, I'm going to step 17 in, and I'm going to give you an instruction not to 18 answer if it's a conversation you had with your 19 attorney about subjects of either policymaking at GCRC 20 or legal issues about GCRC. 21 MS. LEE: So we want to make sure that 22 everyone protects confidential communications, right. 23 Q. (BY MS. LEE) So I understand that you said that Fred 24 isn't -- you don't believe that Fred is a truthful 25 person?</p>	Page 48	<p>1 Resource person, she should've been -- she should've 2 been involved in that. 3 Q. Have there been other instances -- 4 A. Yes. 5 Q. -- where Ms. Poplar has not been involved? 6 A. Yes. When we had a search for another attorney, 7 another -- 8 Q. Like a law firm? 9 A. Firm, and I asked purposely that Human Resource be 10 involved in that search, and she wasn't. 11 Q. Did you ever ask why she was not involved in the 12 search? 13 A. Well, it never -- that was my condition of agreeing, I 14 wanted her to be involved. They said she was going to 15 be involved, and she wasn't. 16 Q. Who said she was going to be involved? 17 A. Fred did. 18 Q. And how did you find out she was not involved? 19 A. Well, when they went out and did the search, and she 20 was -- when they brought the report back, she was 21 never involved in it, and I thought she should have 22 been involved. 23 Q. Okay. Can you tell me about any other time where Fred 24 has involved race with work actions, like 25 disciplinary -- like disciplining employees or --</p>	Page 50

<p>1 well, scratch that. I will ask you a better question.</p> <p>2 Are you aware of a list that was given</p> <p>3 to Mr. Peivandi regarding employees' names and race?</p> <p>4 A. Yes.</p> <p>5 Q. And do you know how Mr. Peivandi came to locate or</p> <p>6 have that particular document?</p> <p>7 A. I don't know if he requested it through -- through</p> <p>8 personnel -- I mean, Human Resource, but they -- he</p> <p>9 asked for a list, and they gave him a list, and then</p> <p>10 he resubmitted a list by color. He wanted the list of</p> <p>11 employees by color, and that was very upsetting to me.</p> <p>12 Q. And did Human Resources report that Mr. Peivandi</p> <p>13 requested this list?</p> <p>14 A. I don't remember how I got the -- how I got the word,</p> <p>15 you know, it's been a couple years. I don't know how</p> <p>16 I got it, but I did approach Mr. Peivandi on it. He</p> <p>17 couldn't really give me a definitive answer about why</p> <p>18 he needed to have a list of employees by color. He</p> <p>19 couldn't -- he couldn't give me a reason why he needed</p> <p>20 that.</p> <p>21 Q. Did he ever say that Donna recommended giving him the</p> <p>22 list with race?</p> <p>23 A. Hum?</p> <p>24 Q. Did he ever tell you that HR just gave him the race or</p> <p>25 that Donna gave him the list with names and race on</p>	<p>Page 51</p> <p>1 A. Yes.</p> <p>2 Q. So you believe that African-Americans receive, or</p> <p>3 directors in this instance, will receive a lower pay</p> <p>4 raise than their subordinate --</p> <p>5 A. Sure.</p> <p>6 Q. -- excuse me, not subordinate -- their white</p> <p>7 counterparts?</p> <p>8 A. Sure.</p> <p>9 Q. Can you give me any examples of that?</p> <p>10 A. Well, we have five directors, right, five directors.</p> <p>11 Three of those directors got a significant amount of</p> <p>12 money more than the two black directors.</p> <p>13 Q. When was this, the previous budget?</p> <p>14 A. Yep, yes.</p> <p>15 Q. How much did the black directors receive?</p> <p>16 A. I think one percent and two percent, I think. I'm not</p> <p>17 sure, but it wasn't much in -- compared to what their</p> <p>18 white counterparts received; and I voted against that</p> <p>19 budget -- because of that, I voted against the budget.</p> <p>20 Q. Do you know -- in the past, have directors received --</p> <p>21 A. No.</p> <p>22 Q. -- similar --</p> <p>23 A. In the past when John Daly was here, one thing that he</p> <p>24 did was, he paid all the directors the same.</p> <p>25 Q. And the same race as well?</p>
<p>1 it?</p> <p>2 A. No. I can say why I was upset about why he asked for</p> <p>3 that list, is because when -- when Anthony Branch</p> <p>4 disciplined people, Mr. Peivandi lessened the penalty</p> <p>5 when it's people -- when the white people are</p> <p>6 disciplined, he lessened the penalty for them, and he</p> <p>7 don't do the same thing for black employees.</p> <p>8 Like, if Anthony gave somebody two</p> <p>9 weeks, just for instance, Anthony gave somebody two</p> <p>10 weeks, he would cut it down to a week, but he never do</p> <p>11 that when it comes to black employees.</p> <p>12 Q. Did Ms. Poplar ever complain about Mr. Peivandi using</p> <p>13 the list?</p> <p>14 A. Using what?</p> <p>15 Q. Using the list to discipline individuals?</p> <p>16 A. Not that I can recall. I just remember that he do</p> <p>17 make a difference when it come to penalizing.</p> <p>18 Q. So the list would have been by your --</p> <p>19 A. Well, the first thing I thought about, 'cause, if you</p> <p>20 penalizing people and you got a list of people,</p> <p>21 employees by color, and you got a habit of taking away</p> <p>22 penalties from one -- one group of people than</p> <p>23 another, that's playing favoritism to me.</p> <p>24 Q. Can you tell me about, do you believe that these</p> <p>25 inequities are present in the budget or raises?</p>	<p>Page 52</p> <p>1 A. Yep.</p> <p>2 Q. And when Mr. Peivandi took over as managing director,</p> <p>3 he did not keep that same --</p> <p>4 A. No, no.</p> <p>5 Q. Okay. And it was clear to you that the black</p> <p>6 directors received less wage --</p> <p>7 A. A lot less, yes.</p> <p>8 Q. Do you know what the motivation was that for (sic)?</p> <p>9 Were they having performance issues or --</p> <p>10 A. No performance issues that I know, no.</p> <p>11 Q. Had the directors participated in protective activity,</p> <p>12 meaning, have they filed complaints or had they had --</p> <p>13 well, had they filed complaints?</p> <p>14 A. I'm sure; I'm sure.</p> <p>15 Q. Okay. So both -- to your knowledge, both Donna Poplar</p> <p>16 and the managing director have filed complaints</p> <p>17 against the Road Commission?</p> <p>18 A. Not the managing director.</p> <p>19 Q. I'm sorry, not the managing director?</p> <p>20 A. The Maintenance director.</p> <p>21 Q. The Maintenance director, which is Anthony Branch?</p> <p>22 A. Right.</p> <p>23 Q. And Donna Poplar?</p> <p>24 A. Right.</p> <p>25 Q. Is there anything else that you want to tell me about</p>

<p style="text-align: right;">Page 55</p> <p>1 the budget regarding -- or the raises? Was there any 2 other reason that it could be formidable in your mind 3 that it would have been fair to pay Donna Poplar a 4 two-percent raise and Anthony Branch a one percent 5 raise?</p> <p>6 A. No, just that it wasn't fair at all that -- that 7 budget wasn't fair, and I let them know how I felt 8 about it; but when you got three votes, you can just 9 -- you can do what you want to do if you're the 10 director.</p> <p>11 Q. Do you believe that they were paid less, "they" being 12 Donna Poplar and Anthony Branch, because of their 13 race?</p> <p>14 A. I have no other reason to believe anything different.</p> <p>15 Q. So that's a yes?</p> <p>16 A. Yes.</p> <p>17 MR. CASCINI: Objection; misconstrues 18 prior testimony, but I'm not sure I got it in there.</p> <p>19 MS. LEE: You can go ahead.</p> <p>20 MR. CASCINI: Charis, do you mind, I 21 need a few minutes, maybe three.</p> <p>22 MS. LEE: Sure, that's fine. Take your 23 time.</p> <p>24 (Recess taken.)</p> <p>25 MR. CASCINI: Let's go back on the</p>	<p style="text-align: right;">Page 57</p> <p>1 A. No; just the five commissioners.</p> <p>2 Q. Well, how many commissioners are there on the Genesee 3 County Board as distinguished from the Road 4 Commission?</p> <p>5 A. Oh, seven.</p> <p>6 Q. Seven?</p> <p>7 A. Seven or eight. I'm not sure.</p> <p>8 Q. Okay. And Fred is not a member of that Board; right?</p> <p>9 A. No.</p> <p>10 Q. You mentioned that you had a professional relationship 11 with Fred Peivandi when he was the Maintenance 12 director of the Road Commission; is that correct?</p> <p>13 A. Professional?</p> <p>14 Q. Correct.</p> <p>15 A. Professional relationship with Fred?</p> <p>16 Q. I'm sorry, I said Maintenance director; I meant 17 Engineering director. Let me back all the way up and 18 rephrase so the record's clear.</p> <p>19 You testified earlier that you had a 20 professional --</p> <p>21 A. Well, we would go out for lunch or breakfast, yes.</p> <p>22 Q. And Fred mentioned during these meetings, I believe he 23 testified frequently that he wished to be paid more; 24 is that right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 56</p> <p>1 record.</p> <p>2 EXAMINATION</p> <p>3 BY MR. CASCINI:</p> <p>4 Q. Commissioner Dickerson, you know who I am?</p> <p>5 A. Yeah.</p> <p>6 Q. My name is Andrew Cascini. I'm here representing GCRC 7 in defending this deposition today, and I'm going to 8 have an opportunity to ask you some questions here, 9 too --</p> <p>10 A. Okay.</p> <p>11 Q. -- about concerns about some of the testimony that 12 you've given in this case and some of the questions 13 that you've been asked.</p> <p>14 A. Okay.</p> <p>15 Q. How are members of the Genesee County Board of Road 16 Commissioners, how are they appointed to the Board?</p> <p>17 A. How are members -- the Commissioners here appointed by 18 the Board?</p> <p>19 Q. Correct.</p> <p>20 A. By the Genesee County Board.</p> <p>21 Q. Is there a nomination process and then a vote or does 22 the Board as a whole decide who's on it?</p> <p>23 A. I guess you put an application in, and they -- they 24 vote on you.</p> <p>25 Q. Fair enough. Is Fred on the Genesee County Board?</p>	<p style="text-align: right;">Page 58</p> <p>1 Q. And you also mentioned that he wished to be paid, in 2 your opinion, more than Anthony Branch, who's the 3 Maintenance director?</p> <p>4 A. He didn't tell me that, but other people -- you know, 5 when you listen to other people, and I know he wanted 6 to be paid more. That was just my opinion that he 7 wanted to be paid -- he wanted to make more than 8 Anthony Branch.</p> <p>9 Q. So he didn't tell you that at any point?</p> <p>10 A. No, no.</p> <p>11 Q. Did anybody tell you that Fred had told them that he 12 wanted to make more than Anthony Branch?</p> <p>13 A. I can't remember. People tell you so much, and it's 14 been so long, so, you know, I can't definitively say 15 that, that it happened.</p> <p>16 Q. Okay. But Anthony Branch made more than him at that 17 point; is that correct?</p> <p>18 A. I think he and Anthony Branch were making the same 19 salary at that point, because John Daly tried to keep 20 all the -- all the directors the same -- the same.</p> <p>21 Q. Okay.</p> <p>22 A. Close to the same.</p> <p>23 Q. To the extent -- do you know whether the GCRC keeps 24 pay records of how much various people were making 25 during various years of their employment?</p>

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<p>1 A. No.</p> <p>2 Q. To the extent that GCRC did keep records of what</p> <p>3 employees were making during various years of their</p> <p>4 employment, did you have any reason to doubt that</p> <p>5 those were accurate?</p> <p>6 A. No, I guess I wouldn't; no.</p> <p>7 Q. Do you know how much Anthony Branch makes now?</p> <p>8 A. I don't know. I really don't keep up with how much</p> <p>9 they make, and I don't know. I could probably guess,</p> <p>10 a pretty good guess how much he's making.</p> <p>11 Q. I understand. I don't actually need you to speculate;</p> <p>12 that's okay, and that's understandable, and that's a</p> <p>13 lot of oversight you have.</p> <p>14 Do you know how much the Finance</p> <p>15 director, Tracy Kahn, is making now?</p> <p>16 A. No. I know she's got a couple of raises in the last</p> <p>17 -- in the last couple years. She only been here about</p> <p>18 three years. So, yes, I know she's got a couple</p> <p>19 raises.</p> <p>20 Q. Do you know how much money she was making prior to</p> <p>21 getting the couple of raises?</p> <p>22 A. No, I don't.</p> <p>23 Q. Do you know how much money she's making now?</p> <p>24 A. No, I don't how much she's making now, no.</p> <p>25 Q. I understand.</p>	<p>1 \$15,000 dollars more to do that, and I didn't agree</p> <p>2 with that because when he fill out an application for</p> <p>3 that job, that's part of his responsibility. Fred</p> <p>4 just didn't give it to him, and that was my reason for</p> <p>5 disagreeing with that, because that was his</p> <p>6 responsibility when you look at his job</p> <p>7 responsibilities. I didn't think we should have to</p> <p>8 pay him another \$15,000 to do that.</p> <p>9 Q. Now, I understand, and thank you for that testimony,</p> <p>10 that's very helpful for helping us to understand the</p> <p>11 background; but very simply, Mr. Dickerson, do you</p> <p>12 know how much money your Engineering director</p> <p>13 currently makes in salary?</p> <p>14 A. No, I don't know how much they make, no.</p> <p>15 Q. Do you know how much it was prior to the \$15,000 you</p> <p>16 testified about?</p> <p>17 A. No.</p> <p>18 Q. You mentioned a little bit earlier this deal about 15K</p> <p>19 coming from the county highway engineer?</p> <p>20 A. Um-hum.</p> <p>21 Q. Explain that to me a little bit. What is the county</p> <p>22 highway engineer?</p> <p>23 A. The county highway engineer is the one -- each Road</p> <p>24 Commission that -- the director of Engineer</p> <p>25 automatically has that responsibility.</p>
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<p>1 A. Not right offhand, I don't know. I probably got that</p> <p>2 information, but I'm not sure how much she make.</p> <p>3 Q. Understandable. Pay records would reflect that that</p> <p>4 GCRC maintains; is that right?</p> <p>5 A. Yes. But I do know that when she came here -- can I</p> <p>6 expand on that?</p> <p>7 Q. You can answer if you know.</p> <p>8 A. When she came here, Donna wanted to pay her more when</p> <p>9 she came; when she got the job, Donna wanted to pay</p> <p>10 her more, and Fred didn't want to pay her more.</p> <p>11 Q. Ah. Fred wanted to pay her less than what Donna had</p> <p>12 recommended?</p> <p>13 A. Right.</p> <p>14 Q. Right now do you know how much money Donna Poplar</p> <p>15 makes in salary a year?</p> <p>16 A. No, I don't know how much they make.</p> <p>17 Q. Sure. The same question, but for your Engineering</p> <p>18 director?</p> <p>19 A. I don't know how much they made -- how much they make.</p> <p>20 It's just -- my problem is how much the Engineer</p> <p>21 director make; the raise that he got in that budget, I</p> <p>22 don't think it was fair, 'cause I think that he --</p> <p>23 he's an Engineering director, and he's the highway</p> <p>24 engineer or something, they get -- and Fred -- that's</p> <p>25 his responsibility; and in that budget, we gave him</p>	<p>1 Q. When you say automatically --</p> <p>2 A. That's part of his job title. If you -- like, you</p> <p>3 looking at the Engineer -- director of Engineer job</p> <p>4 title, that is part of his -- that's part of his job</p> <p>5 title already.</p> <p>6 Q. Do you know if, in Michigan law, the position of</p> <p>7 county highway engineer is provided a special status?</p> <p>8 A. No, not that I know of. All I know is that's part of</p> <p>9 his job responsibility, highway engineer is part of</p> <p>10 his job responsibility.</p> <p>11 Q. Fair enough. And certainly by asking these questions,</p> <p>12 Commissioner Dickerson, I'm by no means suggesting</p> <p>13 that I have any opinion in the matter. I'm merely</p> <p>14 asking questions to try to learn more about the</p> <p>15 background about testimony that's been given and the</p> <p>16 matters that are of issue in this case.</p> <p>17 Do you know what the deputy managing</p> <p>18 director makes in salary?</p> <p>19 A. Well, the director -- deputy director was a made-up</p> <p>20 job. We didn't have that -- we didn't have that</p> <p>21 position here three years ago, we didn't, and the</p> <p>22 reason that -- the reason that we got a director job</p> <p>23 is the chairman before me felt Fred needed help to do</p> <p>24 his job. That's the reason we got that person. I</p> <p>25 disagreed with it, but when it happened, because we</p>

<p>1 talk about taxpayers' money, we created a job and gave 2 him more money to do it.</p> <p>3 Q. Is the job that you're referring to there, is that the 4 Operations director job that was created in 2018?</p> <p>5 A. Yes.</p> <p>6 Q. And that was created in 2018; is that right?</p> <p>7 A. I think. I don't know exact date it was created, but 8 it was created --</p> <p>9 Q. Fair enough.</p> <p>10 A. -- when John Daly left, and Fred replaced John Daly, 11 and some of the commissioners thought that he needed 12 help -- he needed help to do the job, so we created a 13 job out of taxpayers' money, and I didn't agree with 14 that one.</p> <p>15 Q. And just to clarify for purposes of the record, that 16 was the Operations director job?</p> <p>17 A. Yes.</p> <p>18 Q. Who was hired into that job, do you know, once that 19 position was created?</p> <p>20 A. Randy.</p> <p>21 Q. Randy Dellaposta?</p> <p>22 A. Um-hum.</p> <p>23 Q. What position does Randy Dellaposta occupy today?</p> <p>24 A. That same job. They might have changed the job title, 25 but it's the same job. If you look at -- if you look</p>	<p>Page 63</p> <p>1 A. And I'm telling you the reason that they created it, 2 'cause some members on the Board thought that Fred 3 needed help doing that -- he needed help. He couldn't 4 do the communication part of the job.</p> <p>5 Q. Completely understandable. I'm just trying to figure 6 out the order of events here. And then when was the 7 deputy managing director job created?</p> <p>8 A. The managing director job is the same person; they 9 just changed the name of it. The deputy managing 10 director has always been Randy Dellaposta. They 11 just -- I don't know when they -- when we first hired 12 him, I don't know what his job title was, but he 13 was -- if you look at the -- if you look at Fred's -- 14 Fred's responsibilities, he took a lot of Fred's 15 responsibilities.</p> <p>16 Q. Got it. Okay. So what I'm hearing you say is that 17 maybe the job title changed, but the functions are the 18 same; is that right?</p> <p>19 A. Right.</p> <p>20 Q. Do you agree that if the job title changes a position 21 but the functions remain, then the job is basically 22 the same one; is that your testimony?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay. Does that apply to all levels in the 25 organization?</p>
<p>1 at Randy's -- if you look at Fred's responsibilities 2 as a managing director, it overlap. They doing the 3 same thing. And that was one reason I -- I didn't 4 agree with this realignment. We got -- we hired Randy 5 Dellaposta -- we created a job for Randy Dellaposta; 6 and then -- and this reorganization chart, they take a 7 person -- they take Donna and make her out a report to 8 a person her equal. There's something wrong with that.</p> <p>9 Q. I want to ask you some questions about that, but I 10 want to ask the question right now about Randy 11 Dellaposta and the creation of the deputy managing 12 director position.</p> <p>13 A. Um-hum, okay.</p> <p>14 Q. When was that position created?</p> <p>15 A. Right before Fred got hired -- or after Fred got 16 hired, I mean; after Fred got hired.</p> <p>17 Q. I do want to clarify something because I think maybe 18 we're having a miscommunication. The Operations 19 director position was created in 2018; right?</p> <p>20 A. I don't know exact date. It was created when Fred -- 21 how long has Fred been managing director? That's when 22 it was created.</p> <p>23 Q. Got it, perfect. And I completely understand when 24 we're talking about dates, I have trouble with them 25 sometimes, too.</p>	<p>Page 64</p> <p>1 A. What was that?</p> <p>2 Q. Does that apply to all levels within the organization?</p> <p>3 A. What do you mean when you say does it apply to all 4 levels of organization?</p> <p>5 Q. Well, the reason you don't know is because it wasn't a 6 very good question. So I'll retract that. 7 (Cell phone interruption.)</p> <p>8 Q. (BY MR. CASCINI) When Fred became the managing 9 director -- strike that.</p> <p>10 When John Daly was the managing 11 director, did the other directors, and there I'm 12 referring to Maintenance director, HR director, 13 Finance director and the like, did they report to him 14 directly?</p> <p>15 A. I think they did -- well, I know they did.</p> <p>16 Q. When Fred became the managing director, did those 17 directors report to Fred directly?</p> <p>18 A. They started out reporting to him, yes.</p> <p>19 Q. Ah. But they no longer do?</p> <p>20 A. I don't know. I think that -- I think that they may 21 report to Randy. I'm not sure. I know some of them 22 do.</p> <p>23 Q. Okay. Do you know if all of them do or some of them 24 do?</p> <p>25 A. Well, in this new -- I know in this new</p>

<p style="text-align: right;">Page 67</p> <p>1 reorganization, they got Donna reporting to Finance.</p> <p>2 Q. Okay.</p> <p>3 A. And that's one thing, I -- those are two different</p> <p>4 departments. Donna's about human resource, about</p> <p>5 people, and finance about money.</p> <p>6 Q. Understood.</p> <p>7 A. And they're both at the same level. I can't see the</p> <p>8 reason for that.</p> <p>9 Q. Do you consider Randy and Anthony to be at the same</p> <p>10 level?</p> <p>11 A. Randy and Anthony . . . well, let me say this, I was</p> <p>12 talking to -- I was talking to the attorney --</p> <p>13 Q. I am going to have to caution you if you had a</p> <p>14 conversation with an attorney, especially --</p> <p>15 A. Okay. I just asked him a few questions. I just</p> <p>16 wanted to share that. No, on the organization chart,</p> <p>17 Randy is right after the managing director.</p> <p>18 Q. Okay.</p> <p>19 A. And then the directors; but when Anthony retires,</p> <p>20 they're not going to replace him; they're going to</p> <p>21 have two superintendents, and they're going to come</p> <p>22 out of Engineering; and that's why I stated</p> <p>23 that that's racially motivated because when you --</p> <p>24 when you reporting -- Maintenance has got the biggest</p> <p>25 department in the GCRC, got the biggest department,</p>	<p style="text-align: right;">Page 69</p> <p>1 "Q. Do you consider Randy and Anthony</p> <p>2 to be at the same level?"</p> <p>3 Q. (BY MR. CASCINI) I understand that you just gave us</p> <p>4 testimony about what would happen in the reorg and</p> <p>5 what would happen once Anthony retired; but as for</p> <p>6 today, do you consider Anthony and Randy to be on the</p> <p>7 same level, in your words?</p> <p>8 A. If you look at -- if you look at the organization</p> <p>9 chart, they wouldn't be on the same level. Anthony</p> <p>10 would be below -- below Randy.</p> <p>11 Q. And when did that change occur?</p> <p>12 A. When he took that job.</p> <p>13 Q. Now we're referring to the managing deputy director</p> <p>14 job?</p> <p>15 A. Yeah, but he didn't get paid. He got a raise -- a</p> <p>16 raise when he took -- when he got the job; but in the</p> <p>17 last budget -- I got e-mails to why he did that; I got</p> <p>18 e-mails of why Fred thought that -- that Randy</p> <p>19 deserved more money than Anthony. I got e-mails. He</p> <p>20 didn't send them to me, but I got them.</p> <p>21 Q. Fair enough.</p> <p>22 A. The reason he said that -- his reason was, it wasn't a</p> <p>23 good reason for me, it was his education and all that.</p> <p>24 He think he deserve \$15,000 more because of his</p> <p>25 education. Anthony Branch been here 30 years. He's a</p>
<p style="text-align: right;">Page 68</p> <p>1 and that department is going to lose Anthony, who's a</p> <p>2 black -- who's a black supervisor or black in the</p> <p>3 department, and they're going to hire two</p> <p>4 superintendents, and they going to report to</p> <p>5 Engineering.</p> <p>6 Q. All right.</p> <p>7 A. That's why -- that's why I believe that that's</p> <p>8 racially motivated because there's no way that another</p> <p>9 black person is ever going to be -- have that level in</p> <p>10 that capacity, even though this is --</p> <p>11 That job, the Maintenance job got more</p> <p>12 black people than any department we have. If you're</p> <p>13 going to have -- and my belief is, if you're going to</p> <p>14 have one of those departments reporting to the other,</p> <p>15 it should be Engineer reporting to Maintenance. He</p> <p>16 got the biggest department.</p> <p>17 Q. Okay. So let's back up and talk about, there's a lot</p> <p>18 of testimony in there, and I would like to make sure</p> <p>19 we explore all of those areas.</p> <p>20 A. Okay.</p> <p>21 Q. So first, my question --</p> <p>22 MR. CASCINI: Well, actually, Ms. Court</p> <p>23 Reporter, can you read back the last question that I</p> <p>24 asked.</p> <p>25 (Following question read back:</p>	<p style="text-align: right;">Page 70</p> <p>1 young man, he's 55 years old, and I'll be willing to</p> <p>2 bet you that Anthony Branch has probably forgotten</p> <p>3 more than Fred or -- or Randy knows.</p> <p>4 Q. Certainly.</p> <p>5 A. Anthony know, and it's not my opinion, it's other</p> <p>6 people's opinions, too, that he was here for 30 years,</p> <p>7 people that represent the Road Commission, that was</p> <p>8 their opinion. Their opinion to me was, Fred or Randy</p> <p>9 couldn't even do Anthony's job, could not do Anthony's</p> <p>10 job, and that person been here for 30 -- was there for</p> <p>11 30 years.</p> <p>12 Q. And thankfully, I think one of the things that's</p> <p>13 wonderful about this piece of litigation is that no</p> <p>14 one is contesting Anthony Branch's ability to do his</p> <p>15 job.</p> <p>16 A. Oh, no.</p> <p>17 Q. I think he's demonstrated he's a very fine employee</p> <p>18 over a very fine tenure.</p> <p>19 A. Yeah, he's very good.</p> <p>20 Q. But I want to ask some questions about when exactly</p> <p>21 the reporting responsibility changed, Commissioner</p> <p>22 Dickerson, and I apologize if my question is at all</p> <p>23 unartful. All I'm looking for right now is to figure</p> <p>24 out when did Anthony Branch, for example, or Tracy</p> <p>25 Kahn, or the Engineering director, when did they begin</p>

<p>1 reporting to Randy?</p> <p>2 A. I think Anthony Branch still report -- I'm not sure,</p> <p>3 but I think he still reports to Fred. I don't think</p> <p>4 he reported to Anthony (sic).</p> <p>5 Q. Got it.</p> <p>6 A. But I know that Donna was reporting to Peivandi.</p> <p>7 I don't know if -- I don't remember if Tracy Kahn</p> <p>8 or -- or Johnston reporting. I suppose they are</p> <p>9 reporting to Fred.</p> <p>10 Q. Okay.</p> <p>11 A. I'm not sure now; I'm guessing.</p> <p>12 Q. All right. To the extent there was an organizational</p> <p>13 chart from -- we're talking about before the</p> <p>14 reorganization. To the extent it shows the directors</p> <p>15 all reporting to Randy Dellaposta, now, all of them,</p> <p>16 would you have any reason to doubt that that was</p> <p>17 accurate?</p> <p>18 A. I don't know. I would say that it might be accurate,</p> <p>19 but I don't know if -- if -- if Anthony's reporting to</p> <p>20 Fred or not, I don't know.</p> <p>21 Q. Okay.</p> <p>22 A. I don't know.</p> <p>23 Q. Fair enough. You can only testify -- all we ask of</p> <p>24 you today is answer the questions that you know and</p> <p>25 answer them truthfully, and I know we can do it here.</p>	<p>Page 71</p> <p>1 well, I don't want to go into that; that's for another</p> <p>2 day.</p> <p>3 Q. I certainly will ask you some questions about her</p> <p>4 return to work; one of the many things on our</p> <p>5 checklist here today. So we'll have an opportunity to</p> <p>6 get some testimony down about that.</p> <p>7 A. Okay.</p> <p>8 Q. You mentioned that the job of Operations director was</p> <p>9 created for Randy Dellaposta; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. Do you know if other candidates were interviewed for</p> <p>12 that job?</p> <p>13 A. I don't think anybody interview. We had a guy that</p> <p>14 was interviewed for the managing director job; and</p> <p>15 when he went before the committee, the hiring of him,</p> <p>16 I think Donna found some areas that he wasn't</p> <p>17 truthful, and that's why they didn't hire him.</p> <p>18 Q. The candidate in question you're referring to is Mark</p> <p>19 Riley; is that correct?</p> <p>20 A. Right.</p> <p>21 Q. Do you know whether Donna discovered those alleged</p> <p>22 irregularities in the context of Mark Riley's</p> <p>23 interview for the Operations director position?</p> <p>24 A. Yeah, I think she did. I'm not sure.</p> <p>25 Q. Do you know if any other candidates were interviewed</p>
<p>1 So you don't know whether or not that</p> <p>2 reporting structure did change or if it did -- when it</p> <p>3 did.</p> <p>4 To the extent that Randy Dellaposta was</p> <p>5 supervising, let's consider a hypothetical, if Randy</p> <p>6 Dellaposta was supervising all of those directors,</p> <p>7 would that be a change in his responsibilities from</p> <p>8 his role of Operations director?</p> <p>9 A. Well, if you look at the responsibility of the</p> <p>10 director, managing director, that's part of Fred's</p> <p>11 responsibility, like I said. We hired -- we made a</p> <p>12 position for Anthony -- for Randy Dellaposta, we made</p> <p>13 that position for him. So he's doing a lot of what</p> <p>14 Fred -- he's doing a lot of what Fred's responsibility</p> <p>15 is, Randy Dellaposta is doing.</p> <p>16 Q. Understandable. And all I'm asking about in this</p> <p>17 question is Randy Dellaposta's responsibility. So all</p> <p>18 I'm asking is, to the extent all the directors are now</p> <p>19 reporting to Randy Dellaposta as the deputy managing</p> <p>20 director, is that a change in his responsibilities</p> <p>21 from his role as Operations director?</p> <p>22 A. All I can tell you, that I know that -- that Donna was</p> <p>23 reporting to -- to -- to Fred Peivandi -- I mean, not</p> <p>24 Fred but to Randy, Donna was reporting to, and I know</p> <p>25 that because when Donna came back here after we --</p>	<p>Page 72</p> <p>1 for the Operations --</p> <p>2 A. I don't think they did. I don't think so. I'm not</p> <p>3 sure, but I don't think they did, 'cause I think -- I</p> <p>4 think it was even Donna recommendation that we -- that</p> <p>5 Randy get that job. I'm not sure of that, either, but</p> <p>6 I think that was her recommendation.</p> <p>7 Q. Okay. I would like to ask you some questions about</p> <p>8 the reorganization, is the next topic that we're</p> <p>9 talking about; and when I say reorganization, for the</p> <p>10 purposes of clarity, I'm referring to the one, your</p> <p>11 testimony about a workshop that had been held in Mundy</p> <p>12 Township --</p> <p>13 A. Right.</p> <p>14 Q. -- and then we heard testimony about there being plans</p> <p>15 for reorganization and changing. You testified about</p> <p>16 changes to Anthony Branch's department and to Donna</p> <p>17 Poplar's department; is that correct?</p> <p>18 A. Um-hum.</p> <p>19 Q. Is that a "yes"?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. I do the same thing, I completely understand.</p> <p>22 It's hard to give verbal answers all the time. I</p> <p>23 understand.</p> <p>24 My question is, did anyone else's job</p> <p>25 responsibilities change?</p>

<p style="text-align: right;">Page 75</p> <p>1 A. Kendra, and I think she's in -- they made her -- they 2 made her director, I think, director of -- I forget 3 her job title.</p> <p>4 Q. Was it Fleet Maintenance?</p> <p>5 A. Fleet Maintenance. That was a long time coming, 6 'cause she took -- she took Randy's responsibility. 7 They should have made her -- she should have got that 8 position when Randy -- when Randy took this other 9 position. She should -- she should've been in that 10 position already.</p> <p>11 Q. Okay.</p> <p>12 A. I believe -- that's my belief. Now I . . .</p> <p>13 Q. Okay. And that was part of the reorg plan?</p> <p>14 A. That was part of the reorg.</p> <p>15 Q. And that was part of the reorg plan that was initially 16 proposed by Randy and Fred at that workshop meeting?</p> <p>17 A. Yes.</p> <p>18 Q. And you mentioned the identify of this person that 19 would become the fleet manager. Who is that person?</p> <p>20 A. Kendra, Kendra -- I can't think of her last name.</p> <p>21 Q. Is it Love Brezzel, L-o-v-e, hyphen, B-r-e-z-z-e-l, 22 but neither Cloyce or I know whether that's right, but 23 that's what the testimony shows.</p> <p>24 A. Okay.</p> <p>25 Q. In any event, are you familiar with Kendra? Do you</p>	<p style="text-align: right;">Page 77</p> <p>1 should have assumed the director level position at 2 that time; right?</p> <p>3 A. Right.</p> <p>4 Q. So Kendra was reporting to Randy, wasn't she?</p> <p>5 A. I don't know if she reporting to Randy or --</p> <p>6 Q. Or Anthony?</p> <p>7 A. -- or Anthony, I'm not sure.</p> <p>8 Q. Fair enough. Were there any other changes that you 9 can remember from the reorg plan, other than Kendra's 10 position, the Maintenance position --</p> <p>11 A. Kendra --</p> <p>12 Q. -- and the HR position?</p> <p>13 A. Yes. Health and Safety was reporting to Human 14 Resource, and they took her -- they took that 15 responsibility from Human Resource.</p> <p>16 Q. Okay. Any other changes that you can remember from 17 the plan?</p> <p>18 A. Not any more than we already discussed.</p> <p>19 Q. Sure, fair enough. I know it feels like a test 20 sometimes, but all I want to do is try to figure out 21 what you remember. That's all we're looking for.</p> <p>22 A. Sure.</p> <p style="text-align: right;">MR. CASCINI: Can we go off the record really briefly.</p> <p style="text-align: right;">(Discussion off record; Ms.</p>
<p style="text-align: right;">Page 76</p> <p>1 know her personally?</p> <p>2 A. I don't know her personally. I know who she is, I 3 talk to her occasionally, but I don't know --</p> <p>4 Q. You talked to her before?</p> <p>5 A. Yeah, I talked to her before.</p> <p>6 Q. What do you perceive her race to be?</p> <p>7 A. She's a Afro-American lady.</p> <p>8 Q. And she has been promoted to a director under the 9 reorganization plan?</p> <p>10 A. Yes.</p> <p>11 Q. To whom does she report, do you know, under the 12 reorganization plan?</p> <p>13 A. I don't have -- I think she's reporting to 14 Engineering; I'm not sure.</p> <p>15 Q. Understandable.</p> <p>16 A. But she was reporting to Anthony.</p> <p>17 Q. Okay. Well, and prior to that, was she reporting to 18 Anthony or Randy? You mentioned that --</p> <p>19 A. Yeah.</p> <p>20 Q. -- when Randy became the deputy managing director --</p> <p>21 A. Yeah.</p> <p>22 COURT REPORTER: You're both talking at 23 the same time.</p> <p>24 Q. (BY MR. CASCINI) You mentioned that when Randy became 25 the deputy managing director, you believe that Kendra</p>	<p style="text-align: right;">Page 78</p> <p>1 Gafkay no longer present.)</p> <p>2 MR. CASCINI: Let's go back on the 3 record.</p> <p>4 Q. (BY MR. CASCINI) You mentioned that there was no way 5 that there was going to be an African-American 6 employee who would ever be promoted to the 7 superintendent position; that's testimony you gave a 8 little bit earlier. Why do you believe that?</p> <p>9 A. Because of the amount of people -- Afro-American 10 people that's in Engineering to -- for them to go 11 ahead and put another person out to Maintenance, to 12 have another black person there, it's never done, in 13 my estimation.</p> <p>14 Q. Certainly there are plenty of qualified African- 15 American engineering professionals in this country; 16 correct?</p> <p>17 A. But they're not here.</p> <p>18 Q. And there are new positions going to be created under 19 the reorganization under Anthony Branch's retirement; 20 right? That's what the reorganization plan says?</p> <p>21 A. Out of Engineering, yes, or probably. I don't know.</p> <p>22 Q. Is it a requirement that internal candidates will be 23 hired into that position once it is created?</p> <p>24 A. If you taking that person out of Engineer, if that person going to come from Engineer, all I'm saying is,</p>

<p>1 they got an excellent chance of it being anybody other 2 than an Afro-American person.</p> <p>3 Q. And I understand that argument. I'm asking a slightly 4 different question, Mr. Dickerson. I'm asking, but we 5 don't have to take that person out of Engineering 6 under the reorg plan; right? There's no requirement 7 about that?</p> <p>8 A. Why are we making that move anyway?</p> <p>9 Q. I couldn't tell you. I'm not a decision-maker in any 10 regard; but I'm asking the question of, are you aware 11 of any reason why we would need to -- by "we," I mean 12 the GCRC, obviously -- put a person from the 13 Engineering Department into a newly created position? 14 Does it have to be an internal hire?</p> <p>15 A. I don't know if it will or not. But the chances -- 16 the chances of that being a black person is slim to 17 me. When I'm looking at -- when I'm looking at what 18 we have here and all I can do is looking at what we 19 have, I can't look at what we might have --</p> <p>20 Q. Understandable?</p> <p>21 A. -- when the change is made. I'm looking at what we 22 got now.</p> <p>23 Q. Certainly. And I apologize, I'm really not trying to 24 badger you here.</p> <p>25 A. I don't consider you be badgering me.</p>	<p>Page 79</p> <p>1 Q. It might happen in the future? 2 A. It could happen. 3 Q. It could happen if -- 4 A. It could easily happen. If you don't have the 5 responsibility you had before, they take some of your 6 responsibility and give it to another department, you 7 could, yeah, you could.</p> <p>8 Q. So any employee who loses responsibility under the 9 reorg plan could, in theory, in the future have a 10 reduction of their salary; is that your testimony, in 11 theory? I'm not saying it will happen, not saying it 12 won't happen, but you're saying it's possible?</p> <p>13 A. If you're losing some of your responsibility, that 14 could happen, yeah. I'm not saying it's going to 15 happen, but it could happen.</p> <p>16 Q. Got it. That wasn't a mandated portion of the plan, 17 though; right?</p> <p>18 A. Okay.</p> <p>19 Q. Is that correct? That wasn't specified in the plan 20 that the salary --</p> <p>21 A. It wasn't specified in the plan.</p> <p>22 Q. It wasn't specified in the salary --</p> <p>23 A. The salary wasn't specified in the plan, either, 24 nothing like that.</p> <p>25 Q. And, Commissioner Dickerson, I apologize, if I ever</p>	<p>Page 81</p>
<p>1 Q. Thank you. I know this is challenging, all 2 depositions are. I'm merely asking this question: Is 3 there any requirement under the reorganization plan 4 that we hire an internal candidate from any department 5 into these newly created supervisory positions?</p> <p>6 A. Not that I know of.</p> <p>7 Q. So we could hire external, we could hire internal; we 8 could hire anybody conceivably?</p> <p>9 A. You could.</p> <p>10 Q. I believe you also mentioned that the Maintenance 11 Department under the reorganization plan would only 12 become incorporated into the Engineering Department 13 after the retirement of Anthony Branch; is that 14 correct?</p> <p>15 A. Right.</p> <p>16 Q. Until that time, there isn't a change in Maintenance; 17 correct? It maintains its own separate status?</p> <p>18 A. I think, as far as I know, yeah.</p> <p>19 Q. Do you know whether Anthony Branch, as the Maintenance 20 director, is going to suffer any loss of pay as a 21 result of the reorganization?</p> <p>22 A. I don't know. They might come -- that might come -- 23 if you lose responsibility in your -- in your job now, 24 if you lose that responsibility, it might come that 25 they lose pay; I don't know. It might happen.</p>	<p>Page 80</p> <p>1 cut you off, I'm very sorry about that. I just need 2 to make sure that my question is down before so we 3 don't have crosstalk, that's all.</p> <p>4 A. Okay.</p> <p>5 Q. The same is true with Donna Poplar; correct?</p> <p>6 A. As far as I know.</p> <p>7 Q. Her job title does not change, either, under this 8 reorg plan?</p> <p>9 A. I don't know how you would change her job title, but 10 -- you know, I wouldn't know.</p> <p>11 Q. Regardless of the method, though, it doesn't; right?</p> <p>12 A. Yeah.</p> <p>13 Q. You testified about the raises that were given to 14 various departmental directors in the new budget?</p> <p>15 A. Um-hum.</p> <p>16 Q. This is the one where, I believe the testimony was, 17 Anthony Branch received a one percent raise and Donna 18 Poplar received a two percent, but I may have inverted 19 those; but just for orientation purposes, we're 20 talking about that budget.</p> <p>21 A. Okay.</p> <p>22 Q. Were the two African-American directors the lowest 23 paid of the directors after those raises went into 24 effect?</p> <p>25 A. I don't know. I couldn't tell you that.</p>	<p>Page 82</p>

	<p style="text-align: right;">Page 83</p> <p>1 Q. And this is going to seem like I'm giving you a weird 2 test, but I promise you I'm not, I just want to know 3 if you know. Can you rank the directors in order of 4 salary --</p> <p>5 A. No.</p> <p>6 Q. -- after the budget raises?</p> <p>7 A. No, I can't rank that.</p> <p>8 Q. I don't think I could, either, if I were in your 9 shoes. I just wanted to know if you could.</p> <p>10 A. I got a pretty good guess, but I can't -- I can't rank 11 it.</p> <p>12 Q. We already testified we do have the pay records, and I 13 would rather look at those than have you guess, so I 14 understand and appreciate your testimony.</p> <p>15 A. Okay.</p> <p>16 Q. You mentioned that -- strike that. In your earlier testimony, you said you one time told Fred, "I don't know if you're a racist person, but you do racist things"; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Do you believe that what defines somebody as a racist or not isn't what they say or what they think but what they do?</p> <p>19 A. What they do?</p> <p>20 Q. Would you agree with that statement?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I think that -- I do think that Tracy might've done 2 one. I'm not sure. I can't -- I don't remember.</p> <p>3 Q. If Tracy did a presentation, would that be reflected 4 in Board meeting minutes?</p> <p>5 A. Probably would, yes.</p> <p>6 Q. Do you know who was part of the planning process for 7 the reorganization chart? You said Donna wasn't. Do 8 you know who was?</p> <p>9 A. If I just guessed, I would say Fred, Randy and Tim.</p> <p>10 Q. But that would be a guess?</p> <p>11 A. That would be a guess. I don't know 'cause I don't 12 have any proof of that; but I would say Fred, Randy 13 and Tim.</p> <p>14 Q. Okay. And you mentioned that Donna had been excluded 15 from the search for the new attorney to represent --</p> <p>16 A. The Road --</p> <p>17 Q. -- the Road Commission; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. And you mentioned that you felt HR should be involved 20 in that decision?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know whether or not HR was involved when the 23 former law firm that represented the GCRC was hired?</p> <p>24 A. I don't know. That's 30 years ago; I wasn't even here.</p>
	<p style="text-align: right;">Page 84</p> <p>1 A. What they do, yes.</p> <p>2 Q. You mentioned that Fred prevented Donna from being 3 able to address the Board. Are you referring to a 4 specific instance there or is that in general?</p> <p>5 A. She wanted to do a presentation, like -- I don't know. I don't remember what Randy's presentation was, but she wanted to do something -- something in the same area, but he refused to let her do it.</p> <p>6 Q. And do you remember approximately when this was? I 7 know times are hard and remembering calendar days are 8 sometimes --</p> <p>9 A. Maybe within the last year. I'm not sure.</p> <p>10 Q. Okay. Did Randy give his presentation?</p> <p>11 A. Yes.</p> <p>12 Q. Did Randy give his presentation within the context of 13 the proposal to create the deputy managing director 14 position?</p> <p>15 A. I don't know how -- how he got -- how he got the 16 presentation; I just know he got one. He had a 17 presentation.</p> <p>18 Q. Did any other directors get presentations at that 19 time?</p> <p>20 A. I don't know of any other directors that wanted to do 21 a presentation.</p> <p>22 Q. Got it.</p>	<p style="text-align: right;">Page 86</p> <p>1 Q. Fair enough.</p> <p>2 A. Couldn't tell you that.</p> <p>3 Q. I understand. Do you know whether a new law firm was 4 hired just for the purposes of HR law or were there 5 other legal topics that you needed the new firm to 6 cover?</p> <p>7 A. I suppose they have other responsibilities. I'm not 8 sure.</p> <p>9 Q. Do you know who was involved in that attorney search 10 process?</p> <p>11 A. All I can tell you is who wasn't involved. I don't 12 know who all was involved. I don't remember.</p> <p>13 Q. And Donna --</p> <p>14 A. I always thought that -- and that was my -- that was 15 my question or -- when we first went out on it to have 16 Human Resource be a part of that, that decision, that 17 was -- it was my concern. I thought Human Resource 18 should be a part of it.</p> <p>19 Q. Understandable. So you said you don't know who was, 20 you know who wasn't; and by "who wasn't," you mean 21 Donna; right?</p> <p>22 A. Right.</p> <p>23 Q. But you don't know who else was involved?</p> <p>24 A. Well, if I had to guess, I would say Fred and Randy and probably Tim.</p>

	Page 87		Page 89
1 Q. Would that be a guess?		1 Q. I can rephrase it. It was confusing, I apologize.	
2 A. That would be a guess. I don't know. I can't tell		2 If a supervisor wants to issue	
3 you. I can't tell you.		3 discipline, does that supervisor need to seek approval	
4 Q. Completely understandable.		4 or get permission from anyone to execute that	
5 You mentioned that Fred had less in		5 discipline?	
6 penalties for white employees but not black employees;		6 A. I don't know how they do it. I mean, I do know that	
7 is that correct?		7 at GM, the supervisor have to get -- if the supervisor	
8 A. Yes.		8 want to discipline somebody, he has to go through the	
9 Q. Is there a specific instance when that occurred?		9 general supervisor to do it.	
10 A. No, I can't give you -- I can't give you a name.		10 Q. Okay. But you don't know about necessarily how it's	
11 Q. Do you remember anything about the event where white		11 done here?	
12 employees had less in penalties than African-American		12 A. No, no. I could guess, but it wouldn't be what I	
13 employees did?		13 know.	
14 A. I don't, but I know where you can get that		14 Q. But you wouldn't necessarily know what the	
15 information.		15 disciplinary action policy here said?	
16 Q. Okay. And where would that be?		16 A. No.	
17 A. Anthony Branch.		17 Q. You gave testimony that you felt that Craig Lange's	
18 Q. And what document would I need to look at in order to		18 investigation may be flawed because of a lack of	
19 find --		19 African-American employees who were interviewed as	
20 A. I don't know.		20 part of the process; is that correct?	
21 COURT REPORTER: Just a second; you're		21 A. Yes.	
22 cutting him off again.		22 Q. Do you know if Anthony Branch was interviewed as part	
23 Q. (BY MR. CASCINI) What document would I need to look		23 of that process?	
24 at to learn more about this instance?		24 A. I don't think Anthony was interviewed.	
25 A. I don't -- I don't have an idea what document you have		25 Q. Do you know why Anthony Branch was not interviewed?	
	Page 88		Page 90
1 to look at.		1 A. You would have to ask Craig Lange that.	
2 Q. This topic was one of the topics that was investigated		2 Q. Did the report that you received describe why Anthony	
3 by Craig Lange in response to Donna's complaint,		3 Branch had not been interviewed, to your recollection?	
4 wasn't it?		4 A. I think I did ask that question, but I don't think I	
5 A. I don't think so.		5 got an answer to it.	
6 Q. Okay.		6 Q. Who's the current Board Chair?	
7 A. I'm not sure. I don't know. I'm not sure.		7 A. Tim Elkins.	
8 Q. I understand. Do you remember approximately when this		8 Q. If Tim Elkins decided tomorrow that he wanted to fire,	
9 event was to orient us in time?		9 I'm going to pick a name out of the hat randomly,	
10 A. No.		10 Tracy Kahn, would he have the power to do that?	
11 Q. Okay. It was a single instance, though, that you can		11 A. No.	
12 recall where this happened historically? This was an		12 Q. Who would have the power to do that?	
13 event that happened in the past?		13 A. The managing director.	
14 A. Um-hum, yes.		14 Q. And if Fred decided that he -- again, we're purely	
15 Q. Who at the Road Commission has the ultimate discretion		15 picking a name out of the hat for the record, nothing	
16 to issue discipline to employees?		16 against Tracy, if Fred decided he wanted to fire	
17 A. Well, I would say supervisors and -- I think it's --		17 Tracy, could Tim go to Fred and make him stop from	
18 probably the supervisor would be -- supervisors,		18 doing that, make him refrain from doing that?	
19 Anthony Branch, I mean, supervisors, they would have		19 A. He could go to Fred and give him his side of the	
20 more people.		20 story.	
21 Q. If Anthony Branch wants to get -- well, strike that.		21 Q. Certainly.	
22 If a supervisor wants to give		22 A. But make Fred do it or not, he could also come to the	
23 discipline, does he or she need to ask permission or		23 Board and -- and the Board could do something about it	
24 seek approval to get that discipline issued?		24 with Fred.	
25 A. Does he?		25 Q. Certainly. But Tim alone, can Tim make Fred --	

<p>1 A. No.</p> <p>2 Q. -- stop --</p> <p>3 A. No.</p> <p>4 Q. Doesn't have power to do that?</p> <p>5 A. No.</p> <p>6 Q. You mentioned an instance regarding outsourcing of 7 jobs. Was that a proposal that ended up happening, in 8 other words, was that proposal implemented?</p> <p>9 A. That was something that happened, yeah, he did it.</p> <p>10 Q. And when did that outsourcing of jobs occur?</p> <p>11 A. I don't remember the date. I couldn't give you the 12 date. I know it caused a lot of problems because the 13 outsourcing company wasn't able to do the job. So 14 they had to go back and get those people. The people 15 that was complaining to me about losing overtime, he 16 had to go back and get those people to do the job.</p> <p>17 Q. Okay. So ultimately we hired an outsourcing 18 company --</p> <p>19 A. Um-hum.</p> <p>20 Q. -- but then employees internal to the Road Commission 21 ended up doing the work at the end?</p> <p>22 A. At the end, they ended up doing what the outsourcing 23 company couldn't do.</p> <p>24 Q. So is it safe to say, then, that nobody ended up 25 losing their jobs because of that outsourcing company?</p>	<p>Page 91</p> <p>1 whom you felt Fred was --</p> <p>2 A. Donna is right at the top of my list. I don't have to 3 go any further than that one.</p> <p>4 Q. No, certainly. But I do want to know if there are any 5 other employees that you consider to be a part of that 6 list. You also mentioned Kim Day. Anyone else?</p> <p>7 A. Kim Day, yes.</p> <p>8 Q. Anyone else?</p> <p>9 A. Not offhand I can think of.</p> <p>10 Q. Okay. You mentioned that Fred came to you when he was 11 the Engineering director and said that he basically 12 wanted to get a raise; right?</p> <p>13 A. He wanted more money, yes, yes.</p> <p>14 Q. Did he seem comfortable in bringing those concerns to 15 your attention?</p> <p>16 A. Yes.</p> <p>17 Q. Regardless of whether or not you agreed that he should 18 or should not get that raise, would you say that your 19 working relationship with him at that time was good?</p> <p>20 This is the time when he's the Engineering director, 21 remember.</p> <p>22 A. Well, we didn't have a lot of -- we didn't have a lot 23 to do with -- he was a director, and we didn't have a 24 lot to do. He just mostly wanted to complain about 25 John Daly. Him and John Daly didn't get along.</p>
<p>Page 92</p> <p>1 It was just a waste of money?</p> <p>2 A. That's true, yes.</p> <p>3 Q. You mentioned a little bit earlier that you considered, 4 your opinion was that Fred was vindictive with 5 employees?</p> <p>6 A. Yes.</p> <p>7 Q. You mentioned in particular Donna Poplar. I believe 8 you also mentioned Kim Day?</p> <p>9 A. Um-hum.</p> <p>10 Q. Were there any other employees to whom you felt Fred 11 was vindictive?</p> <p>12 A. Well, I don't know if it's vindictive. I know that 13 there was some -- at least one of the employees that 14 was black that he harassed pretty good.</p> <p>15 Q. And which employee was that?</p> <p>16 A. I would rather not say.</p> <p>17 Q. Can you think of any other employees? So if we 18 restrict your answer merely to -- you said Fred had, 19 in your opinion, Fred was vindictive toward other 20 employees. So all I'm asking you about folks that you 21 consider him to be vindictive to. If we have opinions 22 about other ways that Fred treated folks, maybe we can 23 go down that road; but let's talk about vindictive 24 behavior right now.</p> <p>25 Can you think of any other employees to</p>	<p>Page 94</p> <p>1 Q. Would you consider him to be vindictive toward John 2 Daly?</p> <p>3 A. I don't know. What could he do with John Daly? He 4 was the managing director. John Daly would complain 5 about Fred not doing what he wanted him to do to me; 6 and I would say, well, you've got to handle that; I 7 can't handle that for you.</p> <p>8 Q. That's the managing director's job; right?</p> <p>9 A. Right. But they were both complaining about each 10 other.</p> <p>11 Q. Okay. Who's Monica Pearson?</p> <p>12 A. Who is Monica Pearson? She is the -- is the -- she 13 was the executive secretary; now she do benefits.</p> <p>14 Q. Do you know if she is the Benefit coordinator?</p> <p>15 A. Um-hum, yes.</p> <p>16 Q. Was she promoted into that position?</p> <p>17 A. When you say promoted, I don't know if she -- what 18 kind of monetarily figure she got; but, yes, she do 19 most of that job now.</p> <p>20 Q. Okay. You don't know whether it's a promotion, but 21 it --</p> <p>22 A. Yeah, I suppose it's a promotion 'cause she's making 23 more than she was, so yes.</p> <p>24 Q. Do you know what the job responsibilities of the 25 benefit coordinator position entailed?</p>

<p>1 A. I guess benefits. I know benefits alone is enough to 2 keep a person busy.</p> <p>3 Q. Understandable. Do you know – have you ever seen her 4 job description?</p> <p>5 A. No. I've seen it, but I don't remember.</p> <p>6 Q. Do you know who promoted her into that position?</p> <p>7 A. Fred is the only person that could promote her in that 8 position.</p> <p>9 Q. Okay. Is it safe to say, then, you don't know, but 10 you suspect, based on what you do know, it must've 11 been Fred?</p> <p>12 A. Yes.</p> <p>13 Q. Got it.</p> <p>14 A. And I think one reason that she was promoted in that 15 position is because she learn all the jobs up there. 16 She know everybody's job. So she was always sitting 17 in for whoever was out.</p> <p>18 Q. That makes sense.</p> <p>19 A. So that would be the person that you would put there. 20 She already knew the job. The benefit job is a tough 21 job. You had to have somebody, unless you go outside 22 and hire somebody, you got somebody already here that 23 was always sitting in for that person, whoever it was 24 was out.</p> <p>25 Q. I find Monica to be very impressive, too. That makes</p>	<p>Page 95</p> <p>1 Discussion. Ms. Poplar is willing to mediate her 2 concerns. An authorized representative may contact 3 this firm by October 12 to discuss its willingness to 4 discuss this matter."</p> <p>5 MS. LEE: I'm going to put an objection 6 on the record here under Rule 408, and settlement 7 discussions are not supposed to be talked about.</p> <p>8 MR. CASCINI: And actually I agree with 9 one thrust of that objection, which is, without 10 getting into any settlement discussions that the Board 11 authorized, Rule 408 does allow me to discuss any 12 timing or causal change that are created by settlement 13 communications.</p> <p>14 Q. (BY MR. CASCINI) Did the Board ever invite Ms. Poplar 15 in to talk to the Board in a closed session in 16 response to receiving this letter?</p> <p>17 A. I don't remember if she – if we invited her in to 18 talk about it.</p> <p>19 Q. Fair enough. Do you remember who made the motion to 20 bring Donna Poplar back to work?</p> <p>21 A. I think I did.</p> <p>22 Q. Okay. Would the meeting minutes accurately reflect 23 who made that motion?</p> <p>24 A. They might; I'm not sure.</p> <p>25 Q. Does Linda generally do a good job in accurately</p>
<p>1 sense to me.</p> <p>2 I'm going to show you a document marked 3 as Exhibit No. 18. Have you seen this document 4 before, Mr. Dickerson? You can take as much time as 5 you want to reorient yourself with it.</p> <p>6 A. (Reviewing document).</p> <p>7 Q. Do you remember whether you've seen that document 8 before?</p> <p>9 A. Probably have, you know; I don't know when.</p> <p>10 Q. I understand.</p> <p>11 A. I'm not sure.</p> <p>12 Q. I shouldn't have taken this away from you, I apologize.</p> <p>13 MR. CASCINI: And, Charis, this is 14 Exhibit 18, by the way.</p> <p>15 MS. LEE: Okay.</p> <p>16 MR. CASCINI: Just so we're all on the 17 same page.</p> <p>18 Q. (BY MR. CASCINI) I'm going to direct you to the third 19 page of the document to the Settlement Discussion 20 head. It says, and I apologize for reading over your 21 shoulder, sir.</p> <p>22 A. That's okay.</p> <p>23 Q. I'll back up a little.</p> <p>24 MS. LEE: You can review mine.</p> <p>25 MR. CASCINI: It says here Settlement</p>	<p>Page 96</p> <p>1 reporting the Board minute meetings?</p> <p>2 A. Yes, she does.</p> <p>3 Q. And you guys have an opportunity to review the Board 4 meeting minutes every time before they're entered; 5 correct?</p> <p>6 A. Yes.</p> <p>7 MR. CASCINI: All right. I know it's 8 getting late, guys, and I promise you I'm almost done.</p> <p>9 MS. LEE: Oh, you're fine.</p> <p>10 MR. CASCINI: Brevity is a skill of few 11 attorneys, and I wish it was one of mine.</p> <p>12 Q. (BY MR. CASCINI) I'm going to refer to document No. 13 12, but actually I don't need to refer to any portion 14 of the document. We're referring to the directives 15 and responsibilities, you've already given some 16 testimony about these, that was provided by Fred to 17 Donna on July 1st of 2021.</p> <p>18 You mentioned that Fred was the 19 decision-maker in issuing these directives; right?</p> <p>20 A. Yes.</p> <p>21 Q. Were you involved in any discussions with Fred before 22 he gave them about why he issued these directives?</p> <p>23 A. No.</p> <p>24 Q. Were you present during any time when Fred told anyone else why he issued these directives?</p>

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<p>1 A. No.</p> <p>2 Q. Do you know, do you have any independent knowledge or</p> <p>3 evidence about why he issued these directives?</p> <p>4 A. No.</p> <p>5 Q. Now we're going to take a look at Exhibit 16. This is</p> <p>6 the Disciplinary Action Notice provided by Fred</p> <p>7 Peivandi to Donna Poplar on August 16th, 2021,</p> <p>8 although I'm doing that from memory.</p> <p>9 A. August 19th.</p> <p>10 Q. August 19th, I stand corrected.</p> <p>11 A. Yes, the 16th, yes, I see it.</p> <p>12 Q. You mentioned and you gave testimony that Fred was the</p> <p>13 decision-maker behind issuing this Disciplinary Action</p> <p>14 Notice to Donna Poplar; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Did Fred discuss with you the reasons why he wanted to</p> <p>17 give Donna Poplar disciplinary suspension before he</p> <p>18 gave it?</p> <p>19 A. No.</p> <p>20 Q. Were you present during any conversation in which Fred</p> <p>21 explained to anybody else why he wanted to give it?</p> <p>22 A. No, I wasn't.</p> <p>23 Q. Do you have any other knowledge or evidence about the</p> <p>24 reasons why Fred wanted to give this Disciplinary</p> <p>25 Action Notice to Donna Poplar?</p>	
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	<p>1 back and asked for a list that he resubmitted with the</p> <p>2 races included; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Had a copy of employee names, with associated races,</p> <p>5 been produced in any prior year by Human Resources</p> <p>6 Department?</p> <p>7 A. Not that I remember; not that I saw.</p> <p>8 Q. Do you know that it was never produced or do you not</p> <p>9 know whether it was produced?</p> <p>10 A. I don't know if anybody that had a -- that made a</p> <p>11 request. I don't know of anybody making a request by</p> <p>12 employee by color.</p> <p>13 Q. Were you present when Fred made that request?</p> <p>14 A. No.</p> <p>15 Q. To your knowledge, who was present when Fred made that</p> <p>16 request -- strike that question.</p> <p>17 To your knowledge, to whom did Fred</p> <p>18 make that request?</p> <p>19 A. I don't know. I just got a copy of it, and I asked</p> <p>20 Fred about it, and he didn't have an answer for me.</p> <p>21 Q. You gave testimony that in your opinion, and this is a</p> <p>22 paraphrase, but I think it's fairly close, that Fred's</p> <p>23 biggest problem is that he didn't know how to deal</p> <p>24 with people; is that correct?</p> <p>25 A. Yes.</p>
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<p>1 A. I didn't talk to him, so no.</p> <p>2 Q. And finally we have Exhibit No. 19, which is the</p> <p>3 Notice of Administrative Leave issued from Fred</p> <p>4 Peivandi to Donna Poplar on September 6, 2021. I</p> <p>5 believe you gave some testimony earlier that Fred was</p> <p>6 the decision-maker about placing Donna on paid</p> <p>7 administrative leave; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did Fred discuss with you the reasons why he wanted to</p> <p>10 put Donna on paid administrative leave before he did?</p> <p>11 A. Not as I can remember.</p> <p>12 Q. Were you present during any time when Fred had a</p> <p>13 conversation with anybody else about the reason why he</p> <p>14 wanted to place Donna on paid administrative leave?</p> <p>15 A. No, not that I remember anyway.</p> <p>16 Q. And do you have any evidence about any reasons why</p> <p>17 Fred wanted to place Donna on paid administrative</p> <p>18 leave?</p> <p>19 A. No, I don't have evidence, no.</p> <p>20 Q. You testified earlier about Fred having received a</p> <p>21 list that listed employees by name and race; is that</p> <p>22 right?</p> <p>23 A. Right.</p> <p>24 Q. And you mentioned that a copy of the list was</p> <p>25 generated, and then Fred, to your recollection, came</p>	
	<p>1 Q. Did Fred and former GCRC employee Sue Charnesky get</p> <p>2 along?</p> <p>3 A. Did Fred and who?</p> <p>4 Q. Sue Charnesky. And if you don't know, that's fine.</p> <p>5 A. I don't know.</p> <p>6 Q. Do you know who Sue Charnesky is?</p> <p>7 A. No; not right off hand, I'm not . . .</p> <p>8 Q. To your knowledge, did Fred and former Finance</p> <p>9 director Coetta Adams get along?</p> <p>10 A. Coetta Adams . . . I came after she left, so I don't</p> <p>11 know.</p> <p>12 Q. Fair enough.</p> <p>13 A. Wait a minute, Coetta Adams -- yeah, I don't know. I</p> <p>14 can't -- I can remember some complaint. Yeah, I know</p> <p>15 who she is. I can remember some complaints that she</p> <p>16 had to me, but I don't remember what -- and it was</p> <p>17 about Fred, but I don't know what happened. I can't</p> <p>18 remember what happened.</p> <p>19 Q. Okay. But she was raising complaints about Fred?</p> <p>20 A. She was raising complaints about Fred, but I don't</p> <p>21 know -- I can't tell you what the complaint was, but</p> <p>22 she did have a complaint about Fred.</p> <p>23 Q. I understand. To your knowledge has Anthony Branch</p> <p>24 ever been given discipline during his time here at the</p> <p>25 GCRC?</p>

<p>1 A. To my knowledge, he haven't. I don't know if he have 2 or not. To my knowledge, he haven't.</p> <p>3 Q. Do you know whether or not Fred has ever placed 4 Anthony Branch on an unpaid period of suspension?</p> <p>5 A. To my knowledge, I don't know.</p> <p>6 Q. Fair enough.</p> <p>7 A. I don't have any insight into that.</p> <p>8 Q. To your knowledge, has Anthony Branch ever been placed 9 on paid administrative leave?</p> <p>10 A. Not to my knowledge; I don't know.</p> <p>11 Q. You'd mentioned earlier that in your opinion, Fred, 12 quote-unquote, has three votes on the Board?</p> <p>13 A. Yes.</p> <p>14 Q. When did that become true, in your opinion?</p> <p>15 A. In January 2021.</p> <p>16 Q. January of 2021?</p> <p>17 A. Yes.</p> <p>18 Q. Prior to that, did you feel as though Fred, quote- 19 unquote, had three votes on the Board?</p> <p>20 A. No.</p> <p>21 Q. But after that, he did?</p> <p>22 A. Yes.</p> <p>23 Q. And that maintains to this time?</p> <p>24 A. Yes.</p> <p>25 Q. Has Donna ever talked to you about that?</p>	<p>Page 103</p> <p>1 STATE OF MICHIGAN) 2 COUNTY OF SHIAWASSEE) 3 4 I, Cynthia A. Lathrop, Court Reporter and 5 Notary Public in and for the above county and state, acting 6 in the County of Ingham, do hereby certify that the 7 foregoing deposition was taken before me at the time and 8 place hereinbefore set forth. 9 I further certify that said witness was by 10 me sworn in said cause and the testimony then given was 11 reported by me stenographically and subsequently 12 transcribed and that the foregoing is a full, true and 13 correct transcript of my original shorthand notes. 14 IN TESTIMONY WHEREOF, I set my hand and 15 notarial seal at Shiawassee County, Michigan, this 16th day 16 of August 2022. 17 18 19 20 21 22 Cynthia A. Lathrop (CSR-2474) 23 Notary Public in and for the County of Shiawassee, State of Michigan 24 My Commission Expires: 2/2/26 25</p>
<p>1 A. Who?</p> <p>2 Q. Donna Poplar, the Plaintiff.</p> <p>3 A. No, I can't remember talking to her about it. Nothing 4 she could do about it.</p> <p>5 Q. Well, she filed a complaint; correct?</p> <p>6 A. She filed a complaint, but what can she do about the 7 three votes that Fred has? 8 MR. CASCINI: Charis, I have nothing 9 further. Thank you, Commissioner Dickerson. 10 MS. LEE: I have no further questions. 11 (Deposition concluded at 12 6:08 p.m.) 13 (END OF RECORD)</p> <p>14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 104</p>